
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

DAMIAN RIVERA,
a/k/a "Spook," "King Spook";
PEDRO ANTONIO HERNANDEZ ACEVES,
a/k/a "Tono";
EMANUEL FERNANDEZ,
a/k/a "Maniac"; "Manny";
HECTOR ARIAS, a/k/a "Lolo";
HILARIO TREVINO, a/k/a "Lalo";
LAMONT WALLACE;
ISRAEL RIOS;
EUGENIO MIRANDA-APARICIO;
ARTURO ESQUIVEL CAMACHO;
WILLIAM NUNEZ, a/k/a "Fridge";
ADALBERTO DIAZ; and
DEANGELO CURTISS

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:

COUNT ONE

Beginning no later than in or about December 2011, and continuing until at least on or about June 11, 2012, in the Northern District of Illinois, Eastern Division, and elsewhere, defendants DAMIAN RIVERA (a/k/a "Spook," "King Spook"), PEDRO ANTONIO HERNANDEZ ACEVES (a/k/a "Tono"), EMMANUEL FERNANDEZ (a/k/a "Maniac," "Manny"), HECTOR ARIAS (a/k/a "Lolo"), and HILARIO TREVINO (a/k/a "Lalo"), did conspire with each other, and with others known and unknown, to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 21, United States Code, Section 846.

COUNT TWO

Beginning no later than in or about February 2012, and continuing until at least on or about June 11, 2012, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant LAMONT WALLACE did conspire with Damian Rivera and with others known and unknown, to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 21, United States Code, Section 846.

COUNT THREE

On or about May 10, 2012, in the Northern District of Illinois, Eastern Division, defendant ISRAEL RIOS did knowingly and intentionally possess with intent to distribute a controlled substance, namely, one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

Beginning no later than on or about May 22, 2012, and continuing until at least on or about June 11, 2012, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant EUGENIO MIRANDA-APARICIO did conspire with Damian Rivera and Pedro Antonio Hernandez Aceves and with others known and unknown, to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 21, United States Code, Section 846.

COUNT FIVE

On or about November 15, 2011, in the Northern District of Illinois, Eastern Division, defendant ARTURO ESQUIVEL CAMACHO did knowingly and intentionally distribute a controlled substance, namely, a quantity of a mixture and substance containing detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIX

On or about March 17, 2012, in the Northern District of Illinois, Eastern Division, defendant WILLIAM NUNEZ (a/k/a "Fridge") did knowingly and intentionally possess with intent to distribute a controlled substance, namely, one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN

On or about May 24, 2012, in the Northern District of Illinois, Eastern Division, defendant ADALBERTO DIAZ did knowingly and intentionally possess with intent to distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHT

On or about March 28, 2012, in the Northern District of Illinois, Eastern Division, defendant DEANGELO CURTISS did knowingly and intentionally possess with intent to distribute a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

I further state that I am a Special Agent with the Department of Homeland Security, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
GREGORY DONALDSON
Special Agent, Department of Homeland Security

Sworn to before me and subscribed in my presence,

September 11, 2012 at Chicago, Illinois
Date City and State

ARLANDER KEYS, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

which illegal narcotics and firearms are transported, stored, and distributed and the methods of payment for those narcotics and illegal firearms.

3. I have participated in the analysis and targeting of telephone numbers utilized by drug traffickers in furtherance of drug trafficking and illegal firearms operations. I have worked with numerous federal, state and local officers who have participated in investigations including the Court-authorized interception of wire communications (“Title III” or “wiretap” investigations). During my time as an HSI Special Agent, I have authored criminal complaints and affidavits in support of Title III investigations.

4. I am the co-case agent on a joint HSI and Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) investigation involving DAMIAN RIVERA and others.

5. As co-case agent, among other things, I have sworn out affidavits supporting applications to intercept wire communications in this investigation, have monitored wire communications pursuant to this Court’s orders, have conducted surveillance as part of the investigation, and have interviewed subjects.

6. The statements contained in this Affidavit are based on: (a) my personal participation in this investigation; (b) information provided by other federal, state, and local law enforcement officers; (c) surveillance conducted by HSI and ATF agents and other law enforcement officers; (d) analyses of toll records, pen register and trap and trace data, and subscriber information; (e) information derived from consensually-recorded telephone conversations; (f) review of conversations intercepted pursuant to court orders; (g) my training and experience and the training and experience of other law enforcement agents with

whom I have spoken; (h) laboratory analysis reports; (i) commercial database records; (j) criminal history records maintained by the Illinois State Police (“ISP”) and the National Crime Information Center (“NCIC”); (k) records of the Illinois Secretary of State (“SOS”); and (l) information provided by cooperating sources and other individuals.

7. This affidavit is made in support of an eight-count criminal complaint charging that:

a. Beginning no later than in or around December 2011, and continuing until at least June 11, 2012, DAMIAN RIVERA, PEDRO ANTONIO HERNANDEZ ACEVES, EMMANUEL FERNANDEZ, HECTOR ARIAS, and HILARIO TREVINO, did conspire with each other, and with others known and unknown, to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); in violation of Title 21, United States Code, Section 846.

b. Beginning no later than in or around February 2012, and continuing until at least June 11, 2012, LAMONT WALLACE did conspire with Damian Rivera and with others known and unknown, to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); in violation of Title 21, United States Code, Section 846.

c. On or about May 10, 2012, ISRAEL RIOS did knowingly and intentionally possess with the intent to distribute a controlled substance, namely, one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

d. Beginning no later than on or about May 22, 2012, and continuing until on or about June 11, 2012, EUGENIO MIRANDA-APARICIO did conspire with Damian Rivera, Pedro Antonio Hernandez Aceves, and with others known and unknown, to knowingly and intentionally distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); in violation of Title 21, United States Code, Section 846.

e. On or about November 15, 2011, ARTURO ESQUIVEL CAMACHO did knowingly and intentionally distribute a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

f. On or about March 17, 2012, WILLIAM NUNEZ did knowingly and intentionally possess with the intent to distribute a controlled substance, namely, one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

g. On or about May 24, 2012, ADALBERTO DIAZ did knowingly and intentionally possess with the intent to distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

h. On or about March 28, 2012, DEANGELO CURTIS did knowingly and intentionally possess with the intent to distribute a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

8. The recitation of facts contained in this Affidavit is not meant to be a complete narrative of all that has occurred in connection with this investigation, but is only a summary of facts necessary to show probable cause to support the charges, as set forth herein.

II. BACKGROUND OF THE INVESTIGATION

9. This complaint is based on an investigation conducted by HSI and ATF into the drug and firearms trafficking, and related criminal activities, involving DAMIAN RIVERA, his co-conspirators, and others.

10. The information supporting probable cause set forth below includes:

a. Information derived from consensually-recorded telephone conversations between RIVERA and an undercover agent (“UCA”) and a confidential source (“CS”);

b. Information derived from court-authorized interceptions of

conversations over cellular telephones used by RIVERA, including the cellular telephones bearing the numbers (773) 851-8669 (Target Phone 1), (312) 287-9599 (Target Phone 4), (708) 898-6024 (Target Phone 5), (224) 265-3225 (Target Phone 7), and (815) 209-1543 (Target Phone 8);¹

c. The controlled purchases of narcotics and firearms by law enforcement from RIVERA and others, including (i) the purchase of a .380 Caliber pistol on or about September 7, 2011; (ii) a 9 millimeter firearm on or about September 22, 2011; (iii) approximately 96.96 grams of heroin on or about October 4, 2011; (iv) approximately 99.4 grams of heroin on or about November 15, 2011; (v) approximately 95.6 grams of heroin on or about December 19, 2011; (vi) a Glock pistol, a sawed off shotgun, and a bullet proof vest on or about February 2, 2012; and (vii) approximately 93.2 grams of heroin on or about March 8, 2012;

d. Narcotics seizures by law enforcement, including the seizure of (i) approximately 18 grams of heroin on or about March 28, 2012; and (ii) approximately 1.1 kilograms (1,117 grams) of heroin on or about May 10, 2012;

e. Narcotics proceeds seizures by law enforcement, including the seizure of (i) approximately \$33,271 in U.S. currency on or about May 10, 2012; and (ii) approximately \$20,500 in U.S. currency on or about June 11, 2012.

¹ The call summaries in this Affidavit that include a “Session” number refer to telephone calls that were intercepted pursuant to one of the above-referenced court orders.

III. ROLES OF THE DEFENDANTS

A. The RIVERA DTO

11. DAMIAN RIVERA is the leader of a drug trafficking organization based in Chicago, Illinois (“RIVERA DTO”). The RIVERA DTO traffics kilogram quantities of heroin on a monthly basis. PEDRO ANTONIO HERNANDEZ ACEVES (“HERNANDEZ”) brokers the shipment of kilogram quantities of heroin on behalf of the RIVERA DTO. EMMANUEL FERNANDEZ stores and distributes wholesale quantities of the RIVERA DTO’s heroin; and collects and delivers narcotics cash proceeds generated by the sale of the organization’s heroin. HECTOR ARIAS distributes wholesale quantities of heroin on behalf of the RIVERA DTO, and collects narcotics cash proceeds for delivery to the organization’s heroin supplier. HILARIO TREVINO collects the RIVERA DTO’s narcotics cash proceeds.

12. The RIVERA DTO and RIVERA received shipments of wholesale quantities heroin from ISRAEL RIOS, EUGENIO MIRANDA-APARICIO (“MIRANDA”), and ARTURO ESQUIVEL CAMACHO. LAMONT WALLACE, WILLIAM NUNEZ, ADALBERTO DIAZ, and DEANGELO CURTIS distributed heroin supplied by the RIVERA DTO.

13. Between March and June 2012, the RIVERA DTO (i) distributed, or attempted to possess with the intent to distribute, at least five and a half kilograms of heroin; and (ii) collected over \$171,850 in heroin proceeds.

B. The Defendants

14. The following is a brief summary of the roles played by the defendants:

a. DAMIAN RIVERA (a/k/a "SPOOK" and "KING SPOOK"). RIVERA is a narcotics and firearms trafficker and the leader of the RIVERA DTO. Among other things, RIVERA negotiated with suppliers to obtain multi-kilogram quantities of heroin (*see* ¶¶ 38-76, 87-112, 265-297, 337-58, 367-90); distributed wholesale quantities of his shipments to various distributors on credit (*see* ¶¶ 113-92, 265-297); and collected and delivered, and arranged for his associates to collect and deliver, proceeds from the sale of heroin (*see* ¶¶ 59-70, 193-264, 298-336, 359-64, 365-66, 391-457). On multiple occasions, RIVERA sold wholesale quantities of heroin to the UCA (*see* ¶¶ 31-76, 113-16); and sold and arranged to be sold multiple firearms to the UCA and the CS (*see* ¶¶ 23-30, 77-86).

b. PEDRO ANTONIO HERNANDEZ ACEVES (a/k/a "TONO"). HERNANDEZ is one the sources of heroin supply to the RIVERA DTO. Among other things, HERNANDEZ supplied and attempted to supply the RIVERA DTO with multi-kilogram quantities of heroin (*see* ¶¶ 87-192, 265-297, 337-58, 367-390); and arranged for RIVERA to repay RIVERA's heroin suppliers and their associates (*see* ¶¶ 193-264, 298-336, 359-66, 391-457).

c. EMMANUEL FERNANDEZ (a/k/a "MANIAC," "MANNY"). FERNANDEZ assisted RIVERA in obtaining, storing, and distributing kilogram quantities of heroin (*see* ¶¶ 46-76, 87-98, 113-116, 117-58, 265-84, 367-390). FERNANDEZ also collected and delivered narcotic cash proceeds for RIVERA (*see* ¶¶ 207-21, 322-36, 391-418, 429-57). In addition, on or about February 2, 2012, FERNANDEZ sold a sawed-off shot gun

to the UCA and the CS, and assisted RIVERA in the sale of a firearm and bullet proof vest (*see* ¶¶ 77-86).

d. HECTOR ARIAS (a/k/a “LOLO”). ARIAS distributed wholesale quantities of heroin to, and collected narcotics cash proceeds from, RIVERA, at the direction of HERNANDEZ and RIVERA’s source of heroin supply (*see* ¶¶ 46-76, 193-297).

e. HILARIO TREVINO (a/k/a “LALO”). TREVINO collected narcotics cash proceeds from RIVERA, at the direction of HERNANDEZ and RIVERA’s source of heroin supply (*see* ¶¶ 193-206, 298-302, 359-66, 419-57). These payments related to the multi-kilogram quantities of heroin that RIVERA obtained on March 8, 2012, and May 24, 2012.

f. LAMONT WALLACE. WALLACE obtained wholesale quantities of heroin from RIVERA on credit, and distributed that heroin to retail customers and others (*see* ¶¶ 159-77, 265-97, 335-56). After distributing the heroin, WALLACE collected and delivered, and directed others to collect and deliver, narcotics proceeds to RIVERA (*see* ¶¶ 172-77, 222-52, 303-36).

g. WILLIAM NUNEZ (a/k/a “FRIDGE”). On or about March 17, 2012, NUNEZ obtained approximately 100 grams of heroin from RIVERA, and distributed that heroin to retail customers and others (*see* ¶¶ 178-92).

h. ISRAEL RIOS. On or about March 8, 2012, RIOS delivered approximately two kilograms of heroin to RIVERA in a deal arranged by HERNANDEZ (*see* ¶¶ 99-112). On or about May 4, 2012, RIOS collected approximately \$33,000 from RIVERA

as partial repayment for the two kilograms of heroin he delivered to RIVERA on March 8, 2012 (*see* ¶¶ 303-21). On or about May 10, 2012, RIOS was caught in possession of approximately one kilogram of heroin, which he intended to distribute to RIVERA later that night in a deal arranged by HERNANDEZ (*see* ¶¶ 337-58).

i. EUGENIO MIRANDA-APARICIO. On or about May 24, 2012, MIRANDA delivered approximately two kilograms of heroin to RIVERA in a deal arranged by HERNANDEZ (*see* ¶¶ 367-90).

j. ARTURO ESQUIVEL CAMACHO. On or about October 4, 2011, CAMACHO delivered approximately 96.96 grams of heroin to RIVERA, who in turn sold that heroin to the UCA and the CS (*see* ¶¶ 31-37). On or about November 15, 2011, CAMACHO delivered approximately 99.4 grams of heroin to RIVERA, who in turn sold that heroin to the UCA and the CS (*see* ¶¶ 38-45).

k. ADALBERTO DIAZ. On or about May 24, 2012, ADALBERTO DIAZ obtained approximately one kilogram of heroin from RIVERA in a deal arranged by HERNANDEZ (*see* ¶¶ 367-90).

l. DEANGELO CURTIS. CURTIS obtained wholesale quantities of RIVERA's heroin supply on credit from Individual C. On or about March 28, 2012, CURTIS obtained at least 18 grams of heroin from Individual C on credit (*see* ¶¶ 127-50).

IV. FACTS ESTABLISHING PROBABLE CAUSE

A. Information from a Confidential Source

15. ATF first came into contact with the CS in 2010, when law enforcement officers arrested the CS for delivery of cocaine. The CS, however, was not charged after he/she decided to provide ATF with historical information regarding drug trafficking activities in the Cook County, Illinois, area. The CS also agreed to pro-actively cooperate with law enforcement. As a result of his/her cooperation with federal agencies, agents advised the CS that he/she will not be charged for the offense that led to his/her arrest. Prior to the arrest described above, the CS was convicted of aggravated battery with a firearm in the early 2000s, and also has a juvenile firearms conviction. The CS also advised that he/she typically sold a couple ounces of cocaine per week.

16. Since the CS began working with ATF in 2010, the CS has cooperated on drug investigations which have resulted in approximately two arrests, as well as the seizure of approximately ten guns (including four in this investigation) and multiple kilograms of heroin, cocaine, and marijuana. The information provided by the CS during this investigation has been reliable. Moreover, the information provided by the CS in this investigation has been corroborated by independently obtained evidence, including physical surveillance, controlled purchases of narcotics, information from other confidential informants, recorded conversations, and public source database searches. In exchange for his cooperation in this investigation, ATF and local law enforcement have paid the CS approximately \$35,000.

17. Agents have interviewed the CS on numerous occasions regarding the RIVERA DTO. In or around September 2010, the CS advised agents that he/she is a member of the Latin Kings street gang and that he/she has known RIVERA for several years through their common membership in that gang. The CS stated that, among gang members, RIVERA is known as an individual who distributes large quantities of narcotics. The CS advised agents that, during numerous conversations with the CS throughout their multi-year relationship, RIVERA talked about his experience selling narcotics.

18. On or about March 27, 2012, agents intercepted a phone call over Target Phone 1, in which the CS, without the authority of agents, sought to obtain what agents believe to be a user quantity of marijuana from RIVERA. Agents have not confronted the CS about this specific call so as not to divulge to the CS the existence of the court-authorized interceptions over RIVERA's phones. Agents did, however, later advise the CS that they had reason to believe that he/she had engaged in illegal activity with RIVERA. In response, the CS admitted to agents that he/she had called RIVERA to purchase a user quantity of marijuana, but stated, consistent with the intercepted calls, that he/she did not go through with the purchase. Since this conversation, the CS also contacted RIVERA to borrow money. Other than these calls, agents are not aware of any contact between the CS and RIVERA without the authority of agents.

B. RIVERA Attempts to Obtain Approximately 1,674 Kilograms of Marijuana (July 11, 2011).

19. On or about July 11, 2011, Customs and Border Protection (“CBP”) Officers seized a shipment of approximately 1,674.80 kilograms of marijuana on the U.S.-Mexican border at Laredo, Texas. According to CBP officers, the marijuana was found hidden inside furniture contained in a tractor-truck trailer. The electronic manifest form listed the “ultimate consignee” as “DAMIAN RIVERA dba D. Rivera Construction,” various personal identifiers associated with RIVERA (including his Social Security Number), and a contact cell phone number (773) 851-8669 (Target Phone 1). The manifest described the contents of the shipment as “furniture.”

20. On or about July 19, 2011—approximately eight days after the seizure of the 1,674.80 kilograms of marijuana—the CS met with RIVERA² at RIVERA’s former residence

² The identification of RIVERA (a/k/a “SPOOK”) and RIVERA’s voice in this Affidavit is based on the following: In or around September 2010, the CS advised agents that RIVERA was involved in drug trafficking. The CS subsequently viewed a driver’s license photograph of RIVERA maintained by the Illinois SOS, and positively identified the man depicted in that photograph as RIVERA. On October 4, 2011 (and on multiple occasions thereafter, as discussed below), the UCA met with RIVERA to conduct the controlled purchase of heroin. Following that meeting, the UCA viewed a driver’s license photograph of RIVERA maintained by the Illinois SOS, and positively identified the man that he/she met with as RIVERA. On or about October 3, 2011, the CS, who was familiar with RIVERA’s voice based on his/her prior dealings with RIVERA, placed a consensually recorded call to RIVERA over Target Phone 1, and identified RIVERA’s voice on that call. Agents performed a voice comparison of that consensually recorded call to calls (1) consensually recorded over Rivera Phone A, Rivera Phone B, and Rivera Phone C; and (2) intercepted over Target Phone 1, Target Phone 4, Target Phone 5, Target Phone 7, and Target Phone 8. Based on this comparison, agents determined that RIVERA was the individual using all of these phones. In addition, on or about February 24, 2012, RIVERA advised the CS that he was using Target Phone 4. On or about March 21, 2012, RIVERA advised the UCA that he was using Target Phone 5. On or about April 26, 2012, RIVERA advised the UCA that he was using Target Phone 7. On or about May 15, 2012, RIVERA advised the UCA that he was using Target Phone 8. In the summaries of consensually-recorded and intercepted conversations in this Affidavit in which RIVERA is listed as a speaker, an

at 8501 South Cicero in Oaklawn, Illinois (hereinafter, "Rivera Residence 1").³ Prior to this meeting, the CS was outfitted with a concealed audio and video recording device.⁴ The video captures RIVERA. During this consensually-recorded meeting:⁵

a. The CS asked RIVERA, "The shipment, nigga', the weight that you said you ordered, the furniture [seized marijuana shipment], what happened?" RIVERA responded, "It's [marijuana] there, bro. These things happen, bro." The CS said, "I mean, can you put some shit [shipment] on my fuckin' name?" RIVERA said that the trailer "fell [seized by law enforcement]." The CS asked, "What do you mean the trailer fell?" RIVERA

agent has listened to the corresponding calls and determined that the voice attributed to RIVERA in each of these summaries is the same.

³ Agents identified Rivera Residence 1 as follows: On or about September 2, 2011, the CS met with RIVERA alone at 8501 South Cicero in Oaklawn, Illinois. During that consensually recorded meeting, RIVERA stated that he has two apartments—one for family and one for business. RIVERA further stated, that Rivera Residence 1 was his "bachelor pad" and his "office." In addition, the CS and the UCA met with RIVERA at Rivera Residence 1 on several occasions throughout this investigation prior to November 2, 2011.

⁴ Prior to every meeting or controlled purchase involving the CS summarized in this Affidavit, the CS met with ATF agents at a staging area, was searched for contraband with negative results, was outfitted with a concealed audio recording device, and traveled under constant surveillance to the meeting. Agents have listened to the recordings of these meetings, and debriefed the CS regarding the events that transpired at these meetings.

⁵ Some of the consensually-recorded and intercepted conversations (hereinafter "recorded conversations") have been summarized in this Affidavit. The language that is quoted from the recorded conversations throughout this Affidavit is based upon a preliminary review of the recorded conversations, and not on final transcripts of the recorded conversations. The times listed for the recorded conversations are approximate. The summaries do not include all statements or topics covered during the course of the recorded conversations. At various points in the Affidavit I have included in brackets my interpretation of words and phrases used in the recorded conversations. My interpretations are based on information received from the CS, the contents and context of the recorded conversations, events occurring before and after the conversations, my knowledge of the investigation as a whole, my experience and training, and the experience and training of other law enforcement agents in this investigation.

stated, “Caught me up at the border, caught my trailer. I lost a thousand pounds [of marijuana].” The CS asked, “A thousand pounds is a ton?” RIVERA stated, “Yeah. Two thousand, a thousand pounds, or, not that, I lost two thousand two hundred fifty pounds [approximately 1020 kilograms]. So I lost that on the border last week. That’s why I’ve been kinda’ like kickin’ back”

b. The CS asked, “How the fuck did you lose it though? I don’t understand.” RIVERA stated, “Customs, man. Customs found it. The trailer was going through a check point. And then like, it’s a lottery [trucks are randomly selected for inspection], bro, so they hit on my trailer, they hit on me.” RIVERA stated, “It’s not to where I’m going to get in trouble or anything, bro. But the only thing is, I got to fight. ‘Cause, to be honest, there’s furniture in there. My furniture’s there.”

c. The CS asked, “What if they try to pin you for that shit [the marijuana shipment]?” RIVERA responded, “They can try. But they don’t have no way. ‘Cause I haven’t been to Mexico. In my passport, I’ve never been stamped there.” The CS asked, “So how do you have ties to Mexico?” RIVERA stated, “I do, ‘cause I can go down there. I go down to McAllen [Texas, near the Mexican border].” The CS asked, “If you were to order furniture from there [Mexico], what type of furniture would you order?” RIVERA responded, “Restaurant furniture, man.”

21. On or about July 22, 2011, at approximately 11:08 a.m., the CS again met with RIVERA at Rivera Residence 1. Prior to this meeting, the CS met with ATF agents at a staging area, was searched for contraband with negative results, was outfitted with a

concealed audio recording device, and traveled under constant surveillance to Rivera Residence 1. HSI agents have listened to the recording of this meeting, and ATF agents debriefed the CS regarding the events that transpired at the meeting. During this meeting:

a. RIVERA and the CS again discussed the seized marijuana shipment that they had previously discussed on July 19, 2011. The CS asked, “Remember that truck you told me, that fuckin’ trailer?” The CS continued, “Let’s go bring that trailer back, nigga’. Me and you.” The CS asked, “What’s up Spook? You can’t throw that trailer in my name, nigga’?”

b. RIVERA responded, “You gotta’ understand, ‘cause like right now, nigga’, I’m still pending. I don’t know what the fuck’s gonna’ happen. I don’t where the fuck to go, you know what I mean? ‘Cause this could happen to anybody. It could happen to you, it could happen to me, it could happen to whatever, you know what I mean?” The CS stated, “What’s pending, nigga’? You ain’t got no, you ain’t charged with nothing.” RIVERA stated, “Not yet. Not yet, nigga’. But you never know, bro. Fuckin’ DEA could come grab me any fuckin’ day.”

c. The CS said, “Okay, let ‘em [DEA] come question you, right? But just like, why should you, you ordered, you ain’t got shit to do with that. You haven’t even been to Mexico.” RIVERA stated, “Yeah, that’s why I’m not worried about it, nigga’. That’s what I’m saying. But I’m just saying, I’m putting it out there, like, look, look, you gotta’ know the risk [of getting caught with narcotics], you gotta’ know the risk.”

d. The CS stated, “But seriously, think about it, nigga’. What can they

possibly charge you with, bro?” RIVERA responded, “Intent to deliver, intent to distribute, deliver, like stupid shit. They gotta’ prove, nigga’, they gotta’ prove that I got communications with them [marijuana suppliers in Mexico]. I got all the receipts for the furniture [in which the seized marijuana was hidden], I got everything.”

e. RIVERA stated, “They [law enforcement] wanna’ investigate me, where I’m getting my money from, well I’m a union carpenter, nigga’, and then plus, like, I go, yeah, I’m a union carpenter and I’ve been out of work for three years, four years.” RIVERA stated, “Everything I make, I put it in the bank. I put it in my safe, you know? I have money saved up in my safe, you know what I mean? And I can show them pictures of my safe being loaded with money.” Based on my knowledge of this investigation as a whole and my training and experience as a Special Agent, I believe that RIVERA was telling the CS that, if questioned about narcotics cash proceeds that he had collected to date, RIVERA was prepared to give law enforcement a false explanation as to the source of those funds.

22. On or about January 19, 2012, the CS met with RIVERA at a restaurant near at 7832 Normandy Avenue, Apartment 3S, in Burbank, Illinois (“Rivera Residence B”).⁶

⁶ Agents identified Rivera Residence B as follows: On or about November 2, 2011, the CS agreed over the phone to meet with RIVERA later that day at RIVERA’s residence. During that call, RIVERA advised the CS that he was no longer living at Rivera Residence 1 and that he was then living near the corner of 79th Street and Harlem in Burbank, Illinois. During an unrecorded call later that day, RIVERA directed the CS from the intersection of 79th Street and Harlem to 7832 Normandy Avenue, where the CS saw RIVERA standing in front. The CS and RIVERA then entered Apartment 3S of the building together. In addition, throughout this investigation, agents have intercepted calls in which RIVERA directs his drug associates and others to his residence at Rivera Residence B, including NUNEZ on March 17, 2012 (TP1 Session ## 11603, 11605, 11607, 11609); UM 5492 on April 5, 2012 (TP5 Session ## 131 and 135); and WALLACE on April 12, 2012 (TP5 Session ##279 and 284).

Prior to this meeting, the CS met with ATF agents at a staging area and was outfitted with a concealed audio recording device. Due to a technical difficulty, the recording device did not record this meeting. Agents, however, debriefed the CS regarding this meeting. According to the CS, RIVERA stated that the last time he had been to Mexico was when he had ordered the load of marijuana that was seized by customs at the border. RIVERA stated that he had illegally entered and exited Mexico so that there would not be a record of him crossing the border.

C. RIVERA Sells a .380 Caliber Pistol to the CS (September 7, 2011).

23. On or about September 7, 2011, at approximately 5:47 p.m., the CS had a consensually-recorded telephone conversation with RIVERA, who was using Target Phone 1.⁷ During this call:

a. RIVERA stated, “I got one of them tools [guns] you wanted, my man.” The CS stated, “Oh, nice, nice. What’s the ticket [purchase price] on it? What’s the number?” RIVERA responded, “Uh, three and a half [\$350].” The CS stated, “Three and a half?” RIVERA responded, “Yeah . . . Come and check it out, bro.” The CS asked, “Alright, cool. What is it, like a millimeter? Like a nine millimeter, or?” RIVERA stated, “Um, it’s a big engine, bro. It’s like, um, supposed to be a three-fifty [350 caliber], bro, but with the horsepower, it’s like [U/I] a three-eighty [380 caliber], three-eighty horsepower.”

⁷ All consensually-recorded phone calls between the CS and RIVERA over Rivera Phone A, Rivera Phone B, Rivera Phone C, Target Phone 1, Target Phone 4, Target Phone 5, Target Phone 7, and Target Phone 8 were recorded, confirmed by toll records, and monitored real-time by agents, unless otherwise noted.

The CS stated, “Oh, okay. Like a three-eighty horsepower [380 caliber]?” RIVERA stated, “Yeah, it’s nice, bro.”

b. The CS stated, “It’s bigger than a three-fifty [350 caliber]. You said it’s, uh, like about a three-eighty with the horsepower [380 caliber], right? Yeah, that sounds good, bro, for, that’s not bad for three and a half [\$350]. Yeah, for sure, bro.” RIVERA stated, “Yeah, come and check it out, bro, ‘cause, um, I know some other guy that’s been buggin’ me, but I know you talking about it.” The CS stated, “That’s mine. That’s mine, dude.” RIVERA stated, “Alright.” The CS and RIVERA then agreed to speak later.

24. Later that night, the UCA and the CS met with RIVERA at Rivera Residence 1. Prior to this meeting, the CS was outfitted with a concealed audio recording device. During this consensually-recorded meeting:

a. The CS introduced RIVERA to an associate who, unbeknownst to RIVERA, was an undercover law enforcement agent (“UCA”).

b. According to the UCA, RIVERA brought out a firearm and began wiping it down with what he called “gun cleaner.” The CS stated, “If I take that shit [gun] apart, that shit ain’t gonna’ never work.” The CS stated, “That mother fucker’s [gun’s] nice, bro.” The UCA asked, “Is that [gun] a thirty-eight [38 caliber] or a three-eighty [380 caliber]?” RIVERA responded, “Three-eighty.” The CS stated, “As long as it [gun] fires, bro. As long as that mother fucker shoot, bro.” The CS again stated, “As long as that bitch fires, bro.”

c. The CS later counted out \$350, handed the money to RIVERA, and

stated, “Three-fifty, homie.” RIVERA handed the CS the gun, and soon after the CS and the UCA left Rivera Residence 1.

25. After this meeting, the UCA and the CS returned to a briefing location, where they met with ATF agents. The CS gave agents the firearm that he/she purchased from RIVERA. After examining the firearm, agents determined that it was a Lorcin 380 caliber pistol, model L380, serial number 541765.

D. RIVERA Sells a 9 Millimeter Firearm to the CS (September 22, 2011).

26. On or about September 20, 2011, the CS had a consensually-recorded conversation with RIVERA, who was using Target Phone 1. This call was not recorded, but toll records confirm a call between the CS and Target Phone 1 on this date, and agents subsequently debriefed the CS about this conversation. According to the CS, during this call, RIVERA asked the CS to stop by Rivera Residence 1.

27. Later that day, the CS traveled to Rivera Residence 1. This meeting was not recorded or surveilled, but agents have debriefed the CS regarding his/her discussion with RIVERA at this meeting. According to the CS, during this meeting, (a) RIVERA stated that he was in possession of a 9mm gun that he wanted to sell; and (b) the CS advised RIVERA that he/she would get money and come back to buy the gun from RIVERA.

28. On or about September 21, 2011, at approximately 8:25 p.m., the CS placed a consensually-recorded call to RIVERA, who was using Target Phone 1. During this call, the CS stated, “You still got it [9mm gun] though, right? That’s my shit, bro.” RIVERA stated, “Yeah, I still got it, my dude.” “Can I come through and pick it [gun] up real early?”

. . . Like eleven o'clock early? Ten or eleven?" RIVERA stated, "That's cool, man."

29. On or about September 22, 2011, at approximately 11:39 a.m., the CS and the UCA met with RIVERA at Rivera Residence 1. Prior to this meeting, the UCA was outfitted with a concealed audio and video recording device and given \$300 for the purchase of a firearm from RIVERA. The video captures RIVERA. During this consensually-recorded meeting:

a. RIVERA directed the UCA and the CS to his kitchen. According to the UCA, RIVERA retrieved a firearm from a lower kitchen cabinet and placed it on the kitchen counter. The UCA stated, "What is that, a nine millimeter or something?" RIVERA responded, "Yep." RIVERA stated, "These fuckin' shells. My nigga brought it to me, bro. I haven't even gone through it, I haven't cleaned it or anything. I don't have the [cleaning] kit, bro. I didn't bother to. So if wanna' go home, just dump it out, wipe it down, clean off the shells."

b. RIVERA stated, "Three round bursts, shit man. Ch-ch-ch-ch [sounds of rapid gun shots]. So you know, if you don't hit a nigger with the first one, you'll hit him with the second or third one."

c. The CS asked, "How much did you say [for purchase of gun]?" RIVERA responded, "Three bucks [\$300]." The CS then gave RIVERA \$300. RIVERA gave the CS the firearm and nine rounds of 9mm ammunition.

d. The CS asked, "What is this?" RIVERA responded, "That's just a nine [millimeter], bro." RIVERA continued, "It's [gun's shooting range] good from here to the

corner, something like that. Good shots.” The UCA stated, “Oh, you can shoot mother fuckers from far away with that shit.” RIVERA responded, Yeah. Yeah.” The CS and the UCA then departed Rivera Residence 1.

30. After this meeting, the UCA and the CS returned to a briefing location, where they met with ATF agents. The UCA and the CS gave agents the firearm that the CS purchased from RIVERA. After examining the firearm, agents determined that it was a Hi-Point 9mm pistol, model 995, serial number B93905, and nine rounds of 9mm ammunition.

E. RIVERA and CAMACHO Distribute Approximately 96.96 Grams of Heroin to the UCA and CS (October 4, 2011).

1. RIVERA Offers to Sell Kilogram Quantities of Heroin to the CS and UCA and Provides the CS a One Gram Sample of Heroin.

31. As discussed above, the CS met with RIVERA at Rivera Residence 1 on or about July 22, 2011. Prior to this meeting, the CS was outfitted with a concealed audio recording device. During this consensually-recorded meeting:

a. RIVERA told the CS that he (RIVERA) had “100 racks [\$100,000 worth of narcotics sold on credit] out on the street, maybe more.” RIVERA then stated, “One year, I probably made a half mil [half million dollars from narcotics sales].”

b. RIVERA stated, “60 thousand a key [RIVERA offered to sell the CS heroin for \$60,000 per kilogram].” RIVERA told the CS that the CS could “make 15 racks [\$15,000] off a brick [one kilogram of heroin].” RIVERA told the CS that RIVERA sold “3 bricks [3 kilograms of heroin] in one day and made 45 racks [\$45,000].” RIVERA told the

CS that RIVERA would give the CS a “sample [of heroin]” to give to “your guy [the UCA].” The CS asked, “How quick can you get it [larger quantities of heroin]?” RIVERA responded, “I got bricks of that shit [kilograms of heroin].”

32. At the end of the meeting, RIVERA gave the CS a small plastic bag containing an off-white, powdery substance, which appeared to be and which RIVERA represented to be approximately one gram of heroin. Based on this recording, subsequent consensually-recorded conversations between RIVERA and the CS, subsequent consensually-recorded meetings between RIVERA, the UCA, and the CS, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA gave the CS this sample of heroin in anticipation of selling a larger quantity of heroin to the CS and the UCA.

33. After leaving the apartment, the CS traveled under constant surveillance to a briefing location, where he/she met with ATF agents. The CS gave the small plastic bag containing the off-white powdery substance to agents. Agents subsequently submitted the substance contained in that package to the DEA North Central Laboratory (“DEA lab”) for analysis. Testing revealed that the substance contained Heroin Hydrochloride with a 76.8% purity level, and weighed approximately 0.96 grams.

2. RIVERA and CAMACHO Sell the UCA and CS Approximately 96 Grams of Heroin.

34. On or about October 3, 2011, at approximately 3:32 p.m., the CS had a consensually-recorded telephone conversation with RIVERA, who was using Target

Phone 1. During this call, the CS stated, "My guy [the UCA] agreed [to purchase heroin from RIVERA], that's why I'm calling you, nigger. He [the UCA] said tomorrow, for sure, he's going to bring that bread [buy money]." RIVERA responded, "How much did you tell him [the UCA]?" The CS stated, "Seven bucks [\$7,000], right?" RIVERA responded, "Yep." The CS then stated, "He's ready, what time you wanna' do this?" RIVERA responded, "As early as possible, man." RIVERA then stated, "Let me talk to my guy [source of heroin supply], I'll let you know." The CS then asked, "But it's [the heroin deal] for sure, right?" RIVERA responded, "Yeah, it's for sure." The CS and RIVERA then agreed to talk later to make arrangements for RIVERA to meet with the UCA for the heroin deal.

35. On or about October 4, 2011, during a consensually-recorded telephone conversation with RIVERA, who was using Target Phone 1, RIVERA and the CS agreed to meet at Rivera Residence 1.

36. At approximately 1:37 p.m., the UCA and the CS met with RIVERA at Rivera Residence 1. Prior to this meeting, the UCA was outfitted with a concealed audio and video recording device. RIVERA is captured on the video. During this consensually-recorded meeting:

a. The UCA handed RIVERA a Crown Royal bag containing four bundles of cash totaling the \$7,000 (three bundles of \$3,000 each, and one bundle of \$1,000). The UCA stated, "Here's two stacks [of money totaling \$7,000]." The UCA continued, "This is a thousand [\$2,000] here, and these [three stacks] are two thousand [\$2,000]." The video

captures RIVERA counting the money while leaning over the Crown Royal bag and bundles of cash on his kitchen counter.

b. RIVERA, the UCA, and the CS waited for the arrival of RIVERA's heroin supplier. At approximately 1:50 p.m., the CS told RIVERA that he had somewhere to be "at three o'clock, bro [meaning that he could not wait around for RIVERA's heroin supplier past 3:00 p.m.]." During the wait, RIVERA had several conversations on his push-to-talk phone with a man believed to be his heroin supplier.

c. At approximately 2:32 p.m., RIVERA stated, "That little car [surveillance vehicle] that's down the road, it's been there since earlier. But, um, that's cool. That's what I like about him [heroin supplier], bro. He sees everything. He [CAMACHO] hasn't even left [to deliver the heroin to Rivera Residence 1]." RIVERA continued, "My guy's [heroin supplier] like, 'Hey, go check that dude [surveillance] out.'" The CS asked, "You mean to tell me he's [CAMACHO's] been here for a while already?" RIVERA stated, "Yeah."

d. At approximately 2:41, a man, subsequently identified as CAMACHO,⁸

⁸ The identification of CAMACHO and CAMACHO's voice in this Affidavit is based on the following: On or about October 4, 2011, the UCA and the CS, while meeting with RIVERA at Rivera Residence 1, observed a man subsequently identified as CAMACHO deliver approximately 96.96 grams of heroin to RIVERA. On or about November 15, 2011, the UCA and the CS, while meeting with RIVERA at Rivera Residence B, again observed CAMACHO, this time delivering approximately 99.4 grams of heroin to RIVERA. Following the November 2011 meeting, surveillance observed CAMACHO depart Rivera Residence B by car. While driving under surveillance, CAMACHO was stopped by law enforcement officers for committing a traffic violation. During this stop, CAMACHO presented a Mexican driver's licence bearing CAMACHO's image and the name "ARTURO ESQUIVEL CAMACHO." The UCA later viewed a non-immigrant visa photograph of CAMACHO and confirmed that the man depicted in the

entered Rivera Residence 1. CAMACHO walked directly to RIVERA's bedroom, followed by RIVERA. Approximately one minute later, CAMACHO left the apartment.

e. RIVERA then returned from his bedroom and handed the UCA a clear plastic bag containing what appeared to be heroin. The UCA stated, "That [heroin] do be stinkin', don't it? . . . How many G's [grams] do you think I could make out of that? How many grams do you think I can get out of that [meaning can the UCA cut the heroin into smaller portions to make a higher profit margin]?" RIVERA responded, "Something like this, bro, probably be able to sell it for like 85 [\$85 dollars per gram]." RIVERA stated, "I'm sure you could cut it, bro, but that's [heroin's] a whole lot different than coke [cocaine]." The CS then asked RIVERA, "It's better just to push it like that [uncut], right?" RIVERA responded, "To me it is, bro. To me it's a lot easier, you know, like I don't have to deal with cutting it or anything bro." The UCA then took the Crown Royal bag off of the counter-top, and left the apartment with the CS.

37. After leaving RIVERA's residence, the UCA and the CS traveled to a briefing location, where they met with ATF agents. The UCA gave the bag that he received from RIVERA to other agents. Inside that bag, agents found an off-white, powdery substance, which was wrapped in Saran Wrap and which appeared to be heroin. Agents subsequently submitted the substance contained in that package to the DEA lab, which determined that the substance contained Heroin Hydrochloride with a 61.4% purity level, and weighed

photograph (CAMACHO) was the same man who met with, and delivered heroin to, RIVERA on both October 4, 2012, and November 15, 2011.

approximately 96.96 grams.

F. RIVERA, CAMACHO, and UM 1 Sell the UCA and the CS Approximately 99.4 Grams of Heroin (November 15, 2011).

38. On November 2, 2011, during a consensually-recorded telephone conversation with RIVERA, who was using Target Phone 1, RIVERA and the CS agreed to meet at Rivera Residence B.

39. At approximately 1:18 p.m., the CS met with RIVERA at Rivera Residence B. Prior to the in-person meeting, the CS was outfitted with a concealed audio recording device. During this consensually-recorded meeting:

a. The CS stated, “Oh, nigga', my guy [UCA] wanted to holler at you.” RIVERA responded, “That nigga' is worse than my fucking kids, bro.” The CS then stated, “Hey, this nigga' is ready for another 100 g's [100 grams of heroin], bro, but he is not gonna' be here for another week. Dude, when can you be ready [to sell the UCA another 100 grams of heroin]?”

b. The CS then observed RIVERA use the push to talk feature of Rivera Phone A to call an unknown male (“UM 1”). Because RIVERA used the push to talk function of Rivera Phone A, the CS was able to hear, and the audio recording device was able to record, both ends of this call. Toll records for Rivera Phone A show that at the time RIVERA placed this call, Rivera Phone A was in contact with UM1 Phone 1. During this call, RIVERA asked UM 1 if he could “get the other part [100 grams of heroin] for next week.” UM 1 responded, “No problem. Call me when you are ready.”

40. On or about November 14, 2011, at approximately 9:46 p.m., the CS placed a consensually-recorded call to RIVERA on Target Phone 1. During this call, the CS stated, "I was just calling you, bro, because my boy [UCA] called up and he said he is ready [to purchase 100 grams of heroin] for tomorrow, nigga." RIVERA later responded, "Okay, cool man. We do it in the morning then." The CS then stated, "Do you have to check up with your guy [narcotics supplier] or what?" RIVERA responded, "I'll call him right now and let me hit you up." The CS then stated, "Call him right now and then call me back or whatever." RIVERA then stated, "You know what, bro? Remember I told you I had that other dude [another narcotics supplier]?" RIVERA later continued, "I'm almost like, man, I want to wait on him [another narcotics supplier], bro, you know . . . [unintelligible] . . . let me see what's up and I'll call you back in a minute."

41. At approximately 10:09 p.m., RIVERA used Target Phone 1 to place a consensually-recorded call to the CS. During this call, RIVERA stated, "It [the heroin deal] is all good tomorrow nigga', what time you talking about?" The CS responded, "[L]et me call my guy [UCA], bro. Do you have a problem meeting him solo?" RIVERA stated, "[N]o."

42. On or about November 15, 2011, at approximately 10:21 a.m., the CS placed a consensually recorded call to RIVERA on Target Phone 1. During this call, the CS stated, "Calling, uh, to see if we're gonna do that thing [the sale of heroin] this morning." RIVERA responded, "Yeah, man. What time?" RIVERA and the CS then discussed possible meeting times. The CS then stated, "So go ahead and call [RIVERA's supplier], so that we don't waste

a lot of time, dude. 'Cuz I'm very busy, bro." RIVERA later stated, "Well it depends on the time the dude [UCA] gets here, man." The CS stated, "When you gonna call him [narcotics supplier], you gonna call him right now?" RIVERA stated, "Yeah, I'm gonna call him [narcotics supplier] right now, but what time's the dude [UCA] gonna get here?" The CS and RIVERA then agreed to meet together with the UCA sometime between 12 noon and 12:30 later that day.

43. Toll records for Rivera Phone A show that minutes after the call with the CS summarized in the preceding paragraph, Rivera Phone A contacted Arias Phone 1 at approximately 10:25 a.m., 10:26 a.m., 11:40 a.m., 11:57 a.m., and 11:58 a.m. Toll records for Rivera Phone A also document that Rivera Phone A contacted UM1 Phone 1 at approximately 11:59 a.m. and 12:50 p.m.

44. At approximately 12:51 p.m., the CS and the UCA met RIVERA at Rivera Residence B. Prior to this meeting, the CS was outfitted with a concealed audio and video recording device. The video captured RIVERA during this meeting. During this consensually-recorded meeting:

a. The UCA handed RIVERA a Crown Royal bag containing \$7,000 in United States currency for the purchase of approximately 100 grams of heroin.

b. The CS and the UCA observed RIVERA use the push to talk feature of Rivera Phone A several times to speak with an unidentified male. Toll records of Rivera Phone A show that, at this time, Rivera Phone A was in contact with UM 1 Phone 1. Because RIVERA used the push to talk function of Rivera Phone A, the CS and the UCA

were able to hear, and the CS's audio recording device was able to record, both ends of these calls. Based on my review of these consensually-recorded conversations and the recorded conversation between RIVERA and UM 1 summarized in paragraph 39b above, I believe that the person to whom RIVERA was speaking during those calls was UM 1. During this call, RIVERA gave UM1 directions to Rivera Residence B. After providing a series of directions, RIVERA told UM 1 to “tell him [UM 1’s courier, later identified as ARTURO ESQUIVEL CAMACHO] to look up on balcony and see me. Tell him to meet me up on third floor balcony.”

c. Soon after the above-referenced November 15 call between RIVERA and UM1, CAMACHO entered RIVERA Residence B. After acknowledging the UCA and the CS in the living room, CAMACHO pulled an item wrapped in Saran Wrap out of his pocket and walked into the kitchen. RIVERA told CAMACHO to walk with him back to a bedroom. Within minutes, CAMACHO came out of the bedroom and left the apartment. RIVERA then returned from the bedroom with the Crown Royal bag, which he handed to the UCA. The UCA and the CS then left RIVERA's apartment.

45. After leaving the apartment, the UCA opened the Crown Royal bag that he/she obtained from RIVERA and found that it contained what appeared to be the same Saran Wrapped-item that CAMACHO had earlier removed from his pocket. The UCA gave the Crown Royal bag and its contents to HSI agents, who found that the Saran Wrapped-item contained several brown pellets that appeared to contain heroin. Agents submitted the substance to the DEA lab, which determined that the substance contained 59.8% purity level

of Heroin Hydrochloride, and weighed approximately 99.4 grams.

G. RIVERA and FERNANDEZ Sell the UCA and CS Approximately 95.6 Grams of Heroin (December 19, 2011).

1. RIVERA Offers to Front 100 Grams of Heroin to the UC.

46. On or about December 5, 2011, the UCA and the CS met with RIVERA to attend a hockey game. Prior to this meeting, the CS was outfitted with a concealed audio recording device. In addition, the UCA's vehicle was outfitted with a concealed audio and video recording device. The UCA and the CS traveled together in the UCA's car to meet with RIVERA. The video captures RIVERA.

47. On the way to the game, at approximately 5:10 p.m., RIVERA explained to the UCA and the CS that he had “10 bricks [10 kilograms of cocaine]” and needed help “pushing [distributing or selling]” them. On the way back from the game, at approximately 10:18 p.m., RIVERA entered a series of push to talk calls on Rivera Phone A with ARIAS.⁹ Toll

⁹ The identification of ARIAS (a/k/a/ “LOLO”) and ARIAS’s voice in this Affidavit is based on the following: On December 8, 2011, surveillance observed RIVERA meet with a man, subsequently identified as ARIAS, at 5128 South Keeler Ave. in Chicago, Illinois (“Arias Residence 1”). A search of driver's license records maintained by the Illinois SOS revealed that a man named “HECTOR ARIAS” listed the Arias Residence as his residence on his Illinois driver's license. After viewing ARIAS’s driver’s license photograph, agents who conducted surveillance of the December 8 meeting outside Arias Residence 1 determined that ARIAS was the man who met with RIVERA. As described below, on or about April 12, 2012 [TP5 Session ##282, 294, and 296], RIVERA, who made arrangements in several calls with HERNANDEZ to deliver narcotics cash proceeds to a man identified as “LOLO.” At approximately 4:57 p.m. [TP5 Session #298], RIVERA, who was using Target Phone 5, had a conversation with “LOLO,” who was using Arias Phone 2. During this call, RIVERA stated, “I’m already here, buddy.” At approximately the same time, surveillance observed RIVERA arrive in the alley behind at Arias Residence 1, meet with ARIAS (identified in a prior viewing of an SOS photograph), and hand ARIAS a bag. Based on these intercepted calls and accompanying surveillance, agents believe that ARIAS is also known as “LOLO” and was the user of Arias Phone 2. Agents performed a voice comparison of the user of Arias Phone 2 and the voice of the user of Arias Phone 1, as overheard by a concealed recording

records for Rivera Phone A reflect that at the time of these calls, Rivera Phone A was in contact with Arias Phone 1.

48. Because RIVERA used the push to talk function of Rivera Phone A, the CS was able to hear, and the audio recording device was able to record, both ends of this call. While speaking into Rivera Phone A, RIVERA asked ARIAS, "Did you see the man [narcotics supplier]?" ARIAS responded, "Yeah, but not until tomorrow." RIVERA then stated, "So tomorrow for all of it [narcotics], all together." ARIAS responded, "Yeah," and then arranged to meet RIVERA the next day.

49. At approximately 10:26 p.m., RIVERA asked the UCA, "You need another 100 grams of that diesel [heroin]?" The UCA responded, "I'd rather do four-and-a-half on the white girl [cocaine]." RIVERA stated, "On the white girl [cocaine], that's it?" The UCA responded, "Yeah, but no, I want another 100 grams of that diesel [heroin], but probably be a week or so." RIVERA stated, "Another week or so?" The UCA responded, "Yeah, I'm dealing with *mayattes* [drug associates] on that, you know what I mean?" RIVERA then stated, "Would it help you if I like fronted [delivered on credit] you like 100 grams [of heroin]?" The UCA stated, "I could do that, I could do that." RIVERA stated, "bout how long would that take [to sell off 100 grams of fronted heroin]?" The UCA responded, "Probably just a few days."

50. At approximately 10:33 p.m., RIVERA, who was using Rivera Phone A,

device worn by the UCA during a meeting with RIVERA on December 5, 2011. Based on this comparison, agents determined that the same man—ARIAS—was using both phones.

entered another series of push to talk calls with ARIAS, who was using Arias Phone 1. Because RIVERA used the push to talk function of Rivera Phone A, the CS was again able to hear, and the audio recording device was able to record, both ends of this call. During this call, RIVERA and ARIAS arranged to meet each other later that night at ARIAS's home.

2. RIVERA Agrees to Sell the UCA 100 Grams of Heroin on Credit with a \$3,000 Down Payment.

51. On or about December 7, 2011, at approximately 1:08 p.m., the CS received a call from RIVERA, who was using Target Phone 1. This call was consensually-recorded. During this call, RIVERA told the CS that he wanted to meet with the CS about an "urgent" matter. RIVERA and the CS then arranged to meet later in the day.

52. At approximately 3:57 p.m., the CS placed a consensually recorded call to RIVERA, who was using Target Phone 1. During this call:

- a. The CS and RIVERA continued to make arrangements to meet.
- b. While RIVERA and the CS were speaking, the CS overheard, and the audio recording device captured, the sound of an incoming push-to-talk call (a "chirp") on RIVERA's end of the call. Toll records for Rivera Phone A show that at the same time, Rivera Phone A received a push to talk call from Arias Phone 1. Speaking to someone other than the CS, RIVERA stated, "Hey, give me a minute. That's him right now bro. . . . Let me call you back." Based on this recording, subsequent consensually-recorded conversations between RIVERA and the CS, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that ARIAS was calling RIVERA to

discuss the possible sale of heroin to the CS and UCA.

53. At approximately 4:13 p.m., the CS placed a consensually-recorded push to talk call to RIVERA, who was using Rivera Phone A. During this call:

a. RIVERA stated, “This is the thing bro, this is where we got a problem. Remember what I was telling you about the other day or whenever [cocaine shipment that RIVERA discussed on December 5, 2011]? Well, the driver [cocaine courier] just showed up bro. This nigga' got a little hard-on right now, bro, because, uh, mother fuckers owe him bread [money], bro, like, he was supposed to get like 40 [unintelligible] [\$40,000] once he gets here, bro. Well, these niggas [RIVERA's drug associates] are short, bro. Short like 15 [thousand dollars] or something like that. I got ten [thousand dollars] to cover it but I need another five [thousand dollars], bro. Um, I was ask you or your boy [the UCA], you can do it [provide \$5,000] for my nigga' um. I'll give it [cocaine] to you right away, bro, as soon as he opens up, gives us our shit, give it to you right away. I'll even let you have one [kilogram of cocaine] for a day or two if you need it, nigga', to hold one [take a kilogram of cocaine as collateral for the \$5,000]. But I need to come up with another five [thousand dollars], bro.:

b. The CS stated, “When do you need it [\$5,000]?” RIVERA responded, “I needed it yesterday. It's a big ol' mess yesterday. He [cocaine courier] said the morning was fine [to pay buy money for the cocaine]. This nigga' was supposed to let me get one [kilogram of cocaine on credit], and then I can go take care of it [sell the cocaine] and then have the money for him. But he wants to get paid [cash on delivery] and then get rid of everything. Don't want to open up [break the cocaine shipment into smaller quantities] and

then, oh, still waiting on their money. It's fucking fucked up. I'm trying to get it from other place, but if that fails I want to know you got my back.”

c. The CS asked, “Is it white [cocaine] or green [marijuana]?” RIVERA stated, "All white [cocaine], bro." The CS then stated, “I hear you. Look, let me check something out real quick and I'll get back at you.”

54. In the conversation summarized in the preceding paragraph, I believe that RIVERA was (a) telling the CS that he owed money to his cocaine supplier, (b) asking the CS if he/she and the UCA could give him \$5,000 to help him cover the debt; and (c) offering to give a kilogram of cocaine to the CS and the UCA on credit if they were willing to give him \$5,000 right away.

55. At approximately 5:03 p.m., the CS placed a consensually-recorded push to talk call to RIVERA, who was using Rivera Phone A. During this call, the CS stated, “Hey, I just talked to [the UCA], bro, and he said he could help you out. He said if you want he will take that 100 g's [100 grams of heroin that RIVERA offered to sell to the UCA on December 5, 2011] tomorrow and throw you the five g's [\$5,000] and that way it will help you out and in around a week he will get you the other two g's [\$2,000]. That way, that you know, will settle for the 100 g's [100 grams of heroin].” RIVERA responded, "Yeah, that's cool." The CS then stated, “You do understand what I'm saying right, bro?” RIVERA responded, "Yeah, I understand what you're saying. Yeah, I know exactly what you're saying.” The CS stated, “Basically you're just gonna front him [UCA] some g's [grams of heroin].” RIVERA stated, "Yeah, that's fine, bro, not a problem." Based on this recording,

subsequent consensually-recorded conversations between RIVERA and the CS, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that the RIVERA in this call agreed to sell the UCA 100 grams of heroin for \$7,000, and to accept \$5,000 toward the purchase of the drugs immediately with a promise to repay the remaining \$2,000 approximately one week later.

56. At approximately, 5:06 p.m., the CS placed a consensually-recorded push to talk call to RIVERA, who was using Rivera Phone A. During this call, the CS stated, "He [the UCA] said he was available early in the morning but only for a short period, but he can do it in that short period, but uh, he wants to know if you will be ready or if we are gonna' sit around and wait." RIVERA stated, "I have to get the money together to pay the driver [cocaine courier] bro, and then I'll be able to get my half [of the cocaine shipment] [RIVERA was telling the CS that he (RIVERA) was not ready to go forward with the heroin deal that the CS and RIVERA had previously negotiated]." The CS stated, "Well that's kinda' not what I told him [the UCA] so uh, let me get back at ya'."

57. At approximately 10:09 p.m., the CS placed a consensually-recorded push to talk call to RIVERA, who was using Rivera Phone A. During this call, the CS stated, "He [the UCA] did confirm those five g's [\$5,000] for morning but how long would it take for you to get back out [provide 100 grams of heroin to UCA]?" RIVERA responded, "Not long at all bro, uh, should be ready like 4 [p.m.] or something like that." The CS and RIVERA then arranged for RIVERA to meet with the UCA the following afternoon.

58. On or about December 8, 2011, at approximately 2:52 p.m., the CS placed a

consensually-recorded push to talk call to RIVERA, who was using Rivera Phone A. During this call, RIVERA told the CS, "I only need three [\$3,000]." Based on subsequent consensually-recorded conversations between RIVERA and the CS and the UCA, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA was telling the CS that he (RIVERA) had obtained \$2,000 from another source and now only needed \$3,000 from the UCA to pay off the cocaine courier.

3. RIVERA Collects \$3,000 from the UCA as Partial Payment Toward the Purchase of 100 Grams of Heroin.

59. On or about December 8, 2011, at approximately 3:35 p.m., the UCA placed a consensually-recorded call to RIVERA, who was using Rivera Phone A. During this call, the UCA and RIVERA arranged to meet approximately 15 minutes later at a drug store located at Harlem and Archer in Summit, Illinois.

60. At approximately 3:50 p.m., RIVERA met with UCA in the parking lot of the drug store at Harlem and Archer. Prior to this meeting, the UCA's vehicle was outfitted with a concealed audio and video recording device. The video captures RIVERA throughout the meeting. During this consensually-recorded meeting, the UCA gave RIVERA \$3,000 for the purchase of 100 grams of heroin, which RIVERA was to provide later. RIVERA stated, "Three [\$3,000] you got here?" The UCA responded, "Three [\$3,000], dog." RIVERA then stated, "Alright . . . I don't know if [the CS] fuckin' kinda' understood, bro, but I had a problem with the driver [cocaine courier], bro, and I gotta pay the driver for me to get my shit

[cocaine] out.” RIVERA later stated, "So I'm gonna to take care of that [pay the driver for cocaine] now and then I'll see you [provide 100 grams of heroin] later on tonight." The UCA stated, “Yeah bro, tonight, tomorrow morning, whenever dog, you know what I mean.” RIVERA stated, “Cool man,” and exited the UCA's vehicle with \$3,000 dollars.

61. Beginning at approximately 7:27 p.m., the UCA exchanged text messages with RIVERA, who was using Target Phone 1. During this exchange, the UCA stated, "No rush just trying to plan my next move brother[.] [W]hat time u thinking [the 100 grams of heroin will be ready for pick up] or is it going to be in the morning[?]" RIVERA responded, "In the morning." The UCA stated, "OK koo I'll hit you up around 10 or 11 [a.m.] tomorrow brother." RIVERA responded, "Cool."

4. RIVERA Gives ARIAS Narcotics Cash Proceeds as Payment for a Narcotics Shipment.

62. After RIVERA exited the UCA's vehicle with the \$3,000, surveillance observed RIVERA enter Rivera Vehicle 1¹⁰ and drive to Arias Residence 1. Pen register and trap and trace data for Rivera Phone A reflect that Arias Phone 1 and Rivera Phone A connected approximately 33 times on December 8, 2011—the day that RIVERA obtained

¹⁰ Agents identified Rivera Vehicle 1 as follows: On or about July 14, 2011, the CS met with Individual A, an associate of RIVERA, at Rivera Residence 1. During this consensually-recorded meeting, Individual A and the CS talked about a white Ford Expedition Sport Utility Vehicle that was parked behind RIVERA's residence (hereinafter, "Rivera Vehicle 1"). Law enforcement officers conducting surveillance observed the vehicle while the CS was inside the residence. During this meeting, Individual A told the CS, "Shit, that's nigga's [RIVERA's] truck. He just got me to put it under my name dog, so he [RIVERA] ain't got shit [vehicle registrations] under his [RIVERA's] name." A check of the vehicle registration maintained by the Illinois SOS revealed that Rivera Vehicle 1 is registered to Individual A.

\$3,000 from the UCA to help him (RIVERA) pay off his cocaine supplier. Pen register and trap and trace data also reflect that, between 10:18 a.m. and 5:26 p.m., the only phones that Rivera Phone A connected with via its push to talk feature were Arias Phone 1 and a phone used by the CS.

63. Based on the timing and frequency of these calls between Rivera Phone A and Arias Phone 1, in relation to the consensually-recorded calls between RIVERA and the UCS, agents believe that the individual who was using Arias Phone 1 was the narcotics supplier to whom RIVERA owed money, or an individual who represented that supplier.

64. At approximately 4:09 p.m., before RIVERA arrived, surveillance observed ARIAS exit Arias Residence 1 and walk north on Keeler. Pen register and trap and trace data for Rivera Phone A reflect multiple contacts between Rivera Phone A and Arias Phone 1 occurring several minutes before ARIAS exited the Arias Residence 1.

65. At approximately 5:21 p.m., surveillance observed RIVERA, driving Rivera Vehicle 1, pull up to the front of Arias Residence 1. Surveillance then observed ARIAS exit the Arias Residence 1, carrying a medium-sized, dark-colored sack, and enter Rivera Vehicle 1. Surveillance then followed Rivera Vehicle 1 as it drove away.

66. Surveillance followed Rivera Vehicle 1 to a Western Union located at 5501 South Pulaski in Chicago, Illinois. At approximately 5:38 p.m., surveillance observed RIVERA and ARIAS inside the Western Union, taking turns filling out paperwork before handing the paperwork over to a Western Union employee, conducting what appeared to be a wire transfer of money. After conducting this transaction, RIVERA and ARIAS left the

Western Union and got back into Rivera Vehicle 1.

67. Records subpoenaed from Western Union show that on December 8, 2012, at approximately 5:56 p.m., at that same Western Union location, a “Damien Revera [sic]” collected a wire transfer in the amount of \$1,000 sent the same day by “PEDRO ANTONIO HERNANDEZ ACEVES” (HERNANDEZ).¹¹

68. At approximately 6:52 p.m., surveillance observed RIVERA and ARIAS arrive in Rivera Vehicle 1 back at the Arias Residence 1, where ARIAS exited the vehicle. Surveillance observed that ARIAS was no longer carrying a bag. At approximately 6:53 p.m., surveillance observed Rivera Vehicle 1 drive away from the Arias Residence 1.

69. Toll records reflect that, at approximately 6:53 p.m.—only seconds after

¹¹ The identification of HERNANDEZ and HERNANDEZ’s voice in this Affidavit is based on the following: On or about February 7, 2012, in a call over Target Phone 1 [TP1 Session #7535], RIVERA asked FERNANDEZ to call a man named “TONO,” who was subsequently identified as ANTONIO HERNANDEZ, at a UFMI number assigned to Hernandez Phone 1. During the investigation, “TONO” spoke to RIVERA numerous times using Hernandez Phone 1. On or about May 27, 2012 [TP8 Session #193], RIVERA and “TONO” had a conversation in which they discussed several Western Union wire transfers that RIVERA had caused to be made on or about May 26, 2012. While discussing those wire transfers, RIVERA stated, “And the last one [wire transfer], it’s for you, right buddy? It’s ANTONIO HERNANDEZ.” RIVERA then provided “TONO” with the wire’s confirmation code. Western Union records show that a “PEDRO ANTONIO HERNANDEZ ACEVES” collected a wire transfer of money under the same confirmation code on or about May 27, 2012. The Western Union records also documented the number of the identification document that HERNANDEZ used to collect the wire. On or about August 7, 2012, Customs and Border Protection officers and HSI agents interviewed HERNANDEZ at Midway Airport before he boarded a flight destined for Mexico. During this recorded interview, HERNANDEZ produced a Mexican passport bearing a passport number that matched the number of the identification document used by HERNANDEZ to collect RIVERA’s wire on May 27. Agents performed a voice comparison of this recorded interview of HERNANDEZ to calls between RIVERA and an the man known as “TONO” using Hernandez Phone 1 and Hernandez Phone 2. Based on this comparison, agents determined that HERNANDEZ is the man also known as “TONO” and was the individual using Hernandez Phone 1 and Hernandez Phone 2.

RIVERA drove away, in Rivera Vehicle 1—Arias Phone 1 contacted Hernandez Phone 1. Pen register records also show that (a) Hernandez Phone 1 called Rivera Phone A at approximately 7:08 p.m.; and (b) Rivera Phone A called Hernandez Phone 1 at approximately 7:14 p.m.

70. Based on the aforementioned consensually-recorded conversations between RIVERA and the CS, subsequently intercepted calls discussed below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that on December 8, 2011, ARIAS collected narcotics cash proceeds from RIVERA, including \$3,000 and \$1,000 that RIVERA previously collected from the UCA and HERNANDEZ, respectively.

5. RIVERA Delivers 95.6 Grams of Heroin to the UCA.

71. On or about December 19, 2011, the UCA and the CS picked up RIVERA at Rivera Residence B. Prior to this meeting, the UCA and the UCA's vehicle were outfitted with concealed audio and video recording devices. The video captures RIVERA in the backseat of the UCA's vehicle throughout the drive. During this consensually-recorded meeting inside the UCA's vehicle, RIVERA stated, "Hey, look it man. When you get back over there with this shit [heroin] . . . you're gonna have to charge them a little bit more, bro." The UCA understood RIVERA to mean that this supply of heroin was a higher grade, so UCA should charge more when selling it to others. RIVERA stated, "Like this time, we're still gonna keep it same [same price as past heroin sales], but the next time it's gonna 7,500 [\$7,500], bro. But this bitch [heroin] is bad [high quality]. This bitch is fuckin' bad. Hey,

you make sure these nigga's know what the fuck they're doing, 'cause it [RIVERA's heroin] could probably kill somebody." RIVERA stated, "Yeah, 'cuz, um, like the last one [previous heroin sold to the UCA] was good or whatever man, but this one will probably put somebody on their ass. Make 'em O.D. [overdose], bro." RIVERA stated, "These niggers [drug associates] gotta know how to cut it up like . . . they can make tall money off of this shit [large profits from the sale of this high quality heroin]."

72. At approximately 2:25 p.m., RIVERA, the UCA and the CS arrived at Fernandez Residence 1. The video captures both RIVERA and FERNANDEZ. While in this apartment, RIVERA, the CS, and the UCA met with FERNANDEZ,¹² who handed RIVERA a double-heat sealed package containing a white, single chunk substance that appeared to be heroin. RIVERA then handed the package to the UCA. The video captures the UCA holding

¹² The identification of FERNANDEZ and FERNANDEZ's voice in this Affidavit is based on the following: On or about December 19, 2011, the UCA, the CS, and RIVERA met with an individual whom RIVERA introduced as "Manny" at an apartment above a Public Storage unit located at 7455 South Pulaski Road, in Chicago, Illinois ("Fernandez Residence 1"). Following this meeting at Fernandez Residence 1, agents searched a commercial database for all names associated with that address, and found FERNANDEZ's name. The UCA thereafter viewed a CPD booking photograph of FERNANDEZ and confirmed that the man depicted in the photograph (FERNANDEZ) was the same man who was introduced to the UCA at Fernandez Residence 1 as "Manny." Fernandez Phone 1 is subscribed to Fernandez Residence 1, to a woman (Individual F) who was present at the time of the December 19 meeting and who is believed to be FERNANDEZ's girlfriend. Agents performed a voice comparison of FERNANDEZ's voice on the audio recording of the December 19 meeting and the voice of the man using Fernandez Phone 1 and Fernandez Phone 2, and based on this comparison, determined that FERNANDEZ was the individual using both phones. On several occasions in this investigation, surveillance was established based on intercepted calls over RIVERA's various phones, which indicated that the user of Fernandez Phone 1 and Fernandez Phone 2 would be at a particular place and time. For example, on April 13, 2012, RIVERA arranged for FERNANDEZ to meet with ARIAS at Arias Residence 1, and at the same time that the user of Fernandez Phone 1 told RIVERA that he was at the location of the meeting [TP1 Session #1527], surveillance observed FERNANDEZ at Arias Residence 1.

the package while standing in front of FERNANDEZ. The CS then asked, "That's a whole hundred [grams of heroin]?" FERNANDEZ responded, "Yeah."

73. After this meeting, the UCA and the CS traveled to a briefing location, where they met with agents. The UCA gave the agents the package that he received from RIVERA. Agents submitted the substance contained within that packages to the DEA lab, which determined that the substance contained 55.4% purity level of Heroin Hydrochloride, and weighed approximately 95.6 grams.

6. RIVERA Collects the Remaining \$4,000 Due on the Heroin He Delivered to the UCA on December 19, 2012.

74. On or about December 29, 2011, at approximately 1:07 p.m., the UCA made an outgoing call to Rivera Phone B. During this consensually-recorded call, the UCA told RIVERA that the UCA had "two racks [\$2,000]" of what the UCA owed RIVERA for the heroin the UCA purchased on December 19, 2011. The UCA told RIVERA that he/she would have the other "two racks [\$2,000]" after the New Year. RIVERA told the UCA that would be "fine" and RIVERA agreed to meet the UCA at a Denny's restaurant in Bolingbrook, Illinois, later that day.

75. On December 29, 2011, at approximately 3:04 p.m., the UCA met with RIVERA in the parking lot of the Denny's restaurant located at 126 Frontage Road in Bolingbrook, Illinois. Prior to this meeting, the UCA was outfitted with a concealed audio and video recording device. During this consensually-recorded meeting:

a. RIVERA arrived at the meeting in a Silver Chevy Traverse ("Rivera

Vehicle 2”).¹³ The UCA entered Rivera Vehicle 2 and handed RIVERA \$2,000 in United States currency as partial payment for the approximately 100 grams of heroin that RIVERA sold to the UCA on December 19, 2011.

b. The UCA stated, “So, I’ll get up with you [meet] next week on that [the remaining \$2,000 that the UCA owed RIVERA for the December 19, 2011, heroin sale]. My guy [narcotics associate], he said he had it [\$2,000], then he was like, you know, I was trying to get a hold of him to grab it [\$2,000] the last two days, and I was, like, ‘Fuck it, I’ll come up here and give you this two [\$2,000].’” RIVERA responded, “Cool.” RIVERA later asked, “You gonna’ be ready [to buy more narcotics] anytime soon?” The UCA responded, “Yeah.” The UCA later stated, “I’ll come up, meet with you next week, like Wednesday or Thursday [January 4 or 5, 2012], then, and we’ll figure it out then.” RIVERA responded, “Cool, we can do that.”

76. On January 5, 2012, the UCA again met with RIVERA at the Denny’s restaurant located in Bolingbrook, Illinois. During this consensually-recorded meeting, the UCA paid RIVERA the remaining \$2,000 for the heroin that RIVERA sold him/her on December 19, 2011. The UCA stated, “Next week or something we’ll do a little, another 100 g’s [the UCA will buy another 100 grams of heroin from RIVERA].” RIVERA responded, “Cool.” The UCA then asked, “You be able to get more of that [heroin] though?” RIVERA responded, “Oh yea man. Yesterday I did half a brick [half a kilogram of heroin]. Today I’m

¹³ Surveillance also observed RIVERA driving Rivera Vehicle 2 on January 5, 2012, and on multiple occasions thereafter. Rivera Vehicle 2 was registered in the name of RIVERA’s girlfriend (Individual G) at Rivera Residence B.

doing a full brick [one kilogram of heroin]. I'm putting it up there, bro, like 80 bucks a fucking gram [\$80 per gram of heroin], and shit like that." RIVERA then stated, "I'm gonna have that white girl [cocaine] too man. Like, today I'm going to pick up like five or six of them [five or six kilograms of cocaine]." The UCA asked, "Like, five or six bricks [5 or 6 kilograms of cocaine]?" RIVERA responded, "Yea."

H. RIVERA and FERNANDEZ Sell the CS and the UCA Two Firearms and a Bullet Proof Vest (February 2, 2012).

77. During their recorded, December 19, 2011, meeting (at which RIVERA sold the UCA and the CS approximately 95.6 grams of heroin at Fernandez Residence 1), the CS told RIVERA that he/she was interested in purchasing firearms. FERNANDEZ stated, "I got another shotgun right here in the crib [Fernandez Residence 1] too." RIVERA stated, "He got a sawed off [shotgun], nigger." FERNANDEZ stated, "That's for running up on mo' fuckers [sneaking up on people to shoot them]." FERNANDEZ then made the sound of a gun shot. The UCA asked, "You don't want to get rid of that one?" FERNANDEZ responded, "I don't yet."

78. According to the CS, on or about January 30, 2012, the CS placed a push to talk call to RIVERA, who was using Rivera Phone C. This phone call was not recorded or monitored by agents, but toll records confirm this call and the CS advised agents soon after this call took place what he/she and RIVERA discussed. According to the CS, RIVERA offered to sell the CS a bullet proof vest.

79. Later that day, the CS, acting at the direction of agents, sent a text message to

RIVERA, who was using Target Phone 1. In this text message, the CS asked RIVERA to send him/her a picture of the bullet proof vest that they had discussed during their earlier call. Toll records confirm that the CS sent a text message to Target Phone 1 at that time. According to the CS, RIVERA sent him/her a photograph from Target Phone 1 of what appeared to be a bullet proof vest. Toll records for Target Phone 1 show an electronic communication with the CS at this time. The CS forwarded this photograph to agents, but before agents could retrieve the picture directly from the CS's phone, the phone had a technical malfunction that caused it to become inoperable.

80. On or about February 1, 2012, at approximately 2:37 p.m., the CS had a consensually recorded telephone conversation with RIVERA, who was using Target Phone 4. During this call:

a. The CS stated that the UCA “wants to know what's up with, with that, with that little sawed-off thing [sawed-off shotgun] that you told us about, bro.” RIVERA asked, “The shorty [sawed-off shotgun]?” The CS responded, “Exactly. The one that uh, the one that, the one that your boy [FERNANDEZ] was telling us about.” RIVERA then asked, “Did you get my pictures [of the bulletproof vest that RIVERA texted to the CS on January 31, 2012]?” The CS responded, “Yeah, I got the picture you sent me, uh, I'm shoppin' around right now.” RIVERA then stated, “I got that baby nine [millimeter Glock handgun] too.” The CS stated, “I thought you got that for you. You're selling that too? How much you want for it?” RIVERA stated, “I got it for 650 [\$650], bro. Give me seven [\$700] bucks.” RIVERA later stated, “I got them [the Glock pistol and the bulletproof vest] for 650 [\$650]

each, but you know just to get rid of them for seven [\$700] bucks, fuck, I only make fifty dollars off them.” The CS asked, "So you want seven [\$700] each?" RIVERA responded, "Yes sir."

b. The CS then asked, "How much you want for the sawed-off?" RIVERA responded, "I'm thinking my guy [FERNANDEZ] wanted like two dollars [\$200] for it. I don't know. I forgot."

81. At approximately 2:42 p.m. [TP1 Session 6895], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA stated, "My guy over here [the CS] wanted, um, that, that thing you showed him. The little Saw-di [sawed-off shot gun]." FERNANDEZ responded, "Which one?" RIVERA stated, "The one I let you use, man. The ugly one. How much you want for it?" FERNANDEZ responded, "Well I, I wanna' keep it now." RIVERA told FERNANDEZ that the CS "will give you good bread [money] for it, bro." FERNANDEZ responded, "What are they gonna give me?" RIVERA responded, "I told him two bucks [\$200] or two-fifty [\$250]." RIVERA later asked, "If they come [U/I] will you sell it [the sawed-off shotgun] for two-fifty [\$250]?" FERNANDEZ responded, "Well yeah."

82. On or about February 2, 2012, at 12:52 p.m., the CS had a consensually-recorded telephone conversation with RIVERA, who was using Rivera Phone C. During this call, the CS stated, "Give us the package deal [a price on the sawed-off shotgun, the Glock 9 mm handgun, and the bulletproof vest], bro." After some back and forth, RIVERA stated, "Basically, look, nigger, what I paid, what I ended up paying for both of them was \$1,250,

bro, for the [bulletproof] vest and that little thing [the Glock handgun], you know what I mean. What I was trying to make was a buck-fifty [\$150], nigger, for both of them.” The CS later stated, “We'll give you 15 [\$1,500] for all three, right now.” RIVERA stated, “I wanted 14 [hundred dollars for the Glock and the vest] and my nigger [FERNANDEZ] wants at least 250 [dollars] for his thing [sawed-off shotgun], bro, that's like 1650 [\$1,650].” The CS later stated, “You want to take 15 [\$1,500] for all three, bro?” RIVERA stated, “I have to confer with my associate [FERNANDEZ], man. I'll let you know right now.”

83. On or about February 2, 2012, at approximately 12:59 p.m. [TP1 Session 6988], RIVERA, who was using Target Phone 1, again spoke with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA referred back to his previous call with FERNANDEZ regarding the sawed off shot gun and asked, “You wanna' do it [sell the sawed-off shotgun] for that [\$250], or nah?” FERNANDEZ responded, “Well if they giving me two-fifty, fuck it.” RIVERA stated, “He [the CS] want to grab everything I have there [multiple firearms], bro. . . . The ones [firearms] I just picked up and everything. So he wants to give me fifteen hundred [\$1,500] for it and really what I got invested in that thing is like twelve-fifty [\$1,250]. So it'll be an extra two-fifty [\$250] . . . for the thing right there. You know what I mean? That's without me making anything, which is cool, nigga', like I'll do the favor just so you could, uh, make that bread [money] or whatever. You wanna' do it or not?” After some back and forth, FERNANDEZ ultimately agreed to sell the firearm, stating, “I'll call my brother and tell him to bring it [the firearm] over.”

84. On or about February 2, 2012, at 7:21 p.m., the CS had a consensually-

recorded telephone conversation with RIVERA, who was using Rivera Phone C. During this call, RIVERA stated, “What's up man? I've been waiting on you [to finalize the deal for the two firearms and bullet proof vest].” The CS stated, “We [the CS and the UCA] were actually waiting on you, bro. What's up? Did you get that [shotgun] or what?” RIVERA stated, “Yes sir. It's all right here, man. Come on down.” The CS asked, “So you got the three [two firearms and a vest], right? For the fifteen [hundred dollars]?” RIVERA responded, “Yes sir.”

85. On or about February 2, 2012, at approximately 9:15 p.m., the CS and the UCA met with RIVERA, FERNANDEZ, and Individual B at Fernandez Residence 1. Prior to this meeting, the UCA was outfitted with a concealed audio and video recording device and given \$1,500 in United States currency for him and the CS to use to purchase two firearms and a bullet proof vest from RIVERA. During this consensually-recorded meeting:

a. Individual B greeted the CS and the UCA at the door to FERNANDEZ's apartment building and escorted them into Fernandez Residence 1. Video captures RIVERA and FERNANDEZ seated at a dining room table, where RIVERA was cleaning the Glock 9mm pistol. While RIVERA was cleaning the Glock 9 mm pistol, video captured the CS trying on the bullet proof vest.

b. The UCA handed RIVERA \$1,500 in United States currency, which RIVERA placed in his pocket. The UCA asked RIVERA, “Is that a nine [mm Glock pistol]?” RIVERA replied, “Yep.” RIVERA then handed the UCA the barrel of the pistol and stated, “Look at those ridges [on the barrel of the gun].” The UCA asked RIVERA,

“How you learn to do this [clean a Glock pistol].” RIVERA pointed at Individual B and stated, “His [Individual B's] cousin taught me.” On the video, RIVERA finished putting the Glock 9mm pistol together and handed it to FERNANDEZ. Video captures FERNANDEZ checking the gun and then handing it back to RIVERA, who in turn handed the gun to the UCA.

c. At approximately 9:37 p.m., FERNANDEZ walked to another room in the apartment and then returned to the kitchen table with a red duffle bag. FERNANDEZ placed the bag on the table in front of the UCA. The UCA then opened the bag and found a sawed-off shotgun. FERNANDEZ stated that ammunition for the shotgun was included inside the bag. While FERNANDEZ retrieved the shotgun, video shows RIVERA trying on the bulletproof vest.

d. RIVERA then asked the UCA if he/she will “be ready [to purchase another 100 grams of heroin] by the time I get back [from vacation in Puerto Rico]?” The UCA stated, “Yeah.” The UCA and the CS then left Fernandez Residence 1 with both firearms and the bullet proof vest.

86. After this meeting, the UCA and the CS returned to a briefing location, where they met with ATF agents. The UCA and the CS gave agents the two firearms and the bullet proof vest that the UCA purchased from RIVERA. After examining the firearms, agents determined that one was a 9 mm semi-automatic Glock handgun, Model 26, Serial #HXC623; and the other was a High Standard, Model 20, 12-gauge sawed-off shotgun with no serial number.

I. RIVERA Obtains and Distributes Two Kilograms of Heroin (March 8, 2012).

1. RIVERA Directs FERNANDEZ to Contact HERNANDEZ to Arrange for a Shipment of Narcotics.

87. On or about February 4, 2012, at approximately 12:20 p.m. [TP1 Session #7427], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, FERNANDEZ asked, “Is your guy [narcotics supplier] going to come [deliver narcotics] today?” RIVERA responded, “I don’t know. I’m going to call LOLO [ARIAS] to see if he’s there [in Chicago]. Well, he [ARIAS] has your number, anyway, so I’ll tell him to give you a call.” FERNANDEZ stated, “I wanted to know so I wouldn’t leave.” RIVERA responded, “Let me find out, nigga’, and I’ll give you a call back.”

88. On or about February 5, 2012, at approximately 12:12 p.m. [TP1 Session #7468], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA asked, “Has ‘*El Paisa*’ [ARIAS] called you [to discuss drug shipment]?” FERNANDEZ stated, “No.” RIVERA asked, “LOLO [ARIAS] hasn’t called you?” FERNANDEZ responded, “No.”

89. On or about February 6, 2012, at approximately 8:12 p.m. [TP1 Session #7502], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA asked, “Has LOLO [ARIAS] come by [to deliver drug shipment]?” FERNANDEZ responded, “No. He hasn’t called you? Do you want me to call him?” RIVERA stated, “Yeah, try getting a hold of him.”

FERNANDEZ stated, "Alright. I'll call him now."

90. On or about February 6, 2012, at approximately 8:14 p.m. [TP1 Session #7503], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, FERNANDEZ stated, "The number I got [for ARIAS] is disconnected. And I just check my phone and I got a miss call from a '9' something, a number from over there [Mexico]." RIVERA stated, "Check it out because this nigga' [possibly HERNANDEZ] told me he was gonna' get a new phone." RIVERA stated, "I'm gonna' try to get a hold of him [source of narcotics supply, possibly HERNANDEZ]."

91. At approximately 8:27 p.m. [TP1 Session #7507], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA asked, "You think you can run to the store and pick up a chirp [push to talk phone], right now?" FERNANDEZ later stated, "Well yeah, I guess."

92. On or about February 7, 2012, at approximately 4:22 p.m. [TP1 Session #7535], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 2. During this call, RIVERA stated, "Write this number. You have a chirp [push to talk phone], right?" FERNANDEZ responded that he did have a phone capable of making push to talk calls. RIVERA then gave FERNANDEZ the UFMI number assigned to Hernandez Phone 1. After giving FERNANDEZ this number, RIVERA stated, "Call him up. Chirp him. His name is TONO [HERNANDEZ]. Tell him that you are my buddy and that I need to talk to him. Ask him to call me, call my regular phone [Target Phone 1]." RIVERA then stated, "Tell him [HERNANDEZ] my chirp [Target Phone

4] doesn't work [in Puerto Rico, where RIVERA was vacationing at the time].” Toll records for Fernandez Phone 2 show that, soon after this call with RIVERA on February 7, 2012, Fernandez Phone 2 was in contact with Hernandez Phone 1.

93. On or about February 7, 2012, at approximately 4:29 p.m. [TP1 Session 7537], RIVERA, who was using Target Phone 1, had another conversation with FERNANDEZ, who was using Fernandez Phone 2. During this call, FERNANDEZ stated, “He [HERNANDEZ] said [HERNANDEZ would contact RIVERA] today or tomorrow.” RIVERA stated, “Oh, alright.” FERNANDEZ then stated, “Some shit happened that, fuckin', they got scared and they haven't wanted to do nothing [narcotics trafficking]. So, he said, today or tomorrow.” RIVERA asked, “Let me know when he [HERNANDEZ] calls you. Did you tell him to call you when he's ready?” FERNANDEZ responded, “Yeah. He [HERNANDEZ] said regardless of what if anything happens, this nigga' [a drug associate of HERNANDEZ] was going to call me and get up with me.”

94. On or about February 9, 2012, at approximately 5:38 p.m. [TP1 Session #7590], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA asked, “What's up with these dudes [source of narcotics supply]? Have they tried calling for nothing?” FERNANDEZ stated, “No.” FERNANDEZ stated, “I talked to them [HERNANDEZ] that day [February 7 (see ¶¶ 92, 93)] and that was it.” RIVERA asked, “What's up with LOLO [ARIAS]? Have you talked to him or seen him [regarding the drug shipment]?” FERNANDEZ stated, “No.” RIVERA stated, “Alright. Chirp this nigga' [HERNANDEZ] for me. Tell him to call me.”

95. Toll records for Fernandez Phone 2 show that Fernandez Phone 2 was in contact with Hernandez Phone 1 on February 11, 2012, at approximately 10:43 a.m., 10:45 a.m., and 10:54 a.m.

96. On or about February 11, 2012, at approximately 11:02 a.m. [TP1 Session #7652], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call:

a. FERNANDEZ stated, “He [HERNANDEZ] just called me right now, sayin’ that, uh, they’re, they’re still waiting [to deliver narcotics]. They’re still waiting because some guy got fuckin’, got in trouble [with law enforcement] right there. I was like, ‘Alright, cool. You [HERNANDEZ] said you were gonna’ call him [RIVERA]. Why don’t you give him a call?’ He’s [HERNANDEZ’S] like, ‘Well, I’m a give him a call either way and call this nigga’ [HERNANDEZ’S source of supply] to see if we could do anything today.’ I was like, ‘Alright. Well, just call me if anything, if you want, if you need me to be around [to pick up narcotics].’ He’s [HERNANDEZ’S] like, ‘Well, yeah. Hopefully we’ll do it today.’” RIVERA stated, “Alright, dude.”

b. FERNANDEZ continued to recount his conversation with HERNANDEZ, stating, “‘Well, yeah. Just give him [RIVERA] a call, man.’ He’s [HERNANDEZ’S] like, ‘Alright, cool. I’m a call him [RIVERA] and fuckin’, if anything [drug shipment] later on, if I, if I call you [FERNANDEZ], just be around.’ I was like, ‘Alright, cool.’” RIVERA stated, “Alright” and “[t]here’s not much we can do then.”

97. On or about February 11, 2012, at approximately 2:00 p.m. [TP1 Session

7661], RIVERA, who was using Target Phone 1, had a conversation with LAMONT WALLACE,¹⁴ who was using Wallace Phone 1. During this call, WALLACE stated, “I guess our buddies [drug associates of HERNANDEZ] never made it over there [delivered a narcotics shipment to RIVERA].” RIVERA responded, "Nah, man. Well, I kept buggin' MANIAC [FERNANDEZ]. He even went and got a little Boost Phone [Fernandez Phone 2] so he could, um, talk to my nigga' [HERNANDEZ] or whatever." WALLACE responded, "Uh-huh." RIVERA then stated, “Something happened where they have it [narcotics supply] at. They can't really go get 'em [narcotics supply]. So they been give it like a minute [be patient] or whatever.” WALLACE responded, “Oh. Okay.”

98. Based on the intercepted calls discussed above, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that

¹⁴ The identification of WALLACE and WALLACE's voice in this Affidavit is based on the following: During this investigation, surveillance was established based on intercepted calls over RIVERA's various phones, which indicated that the user of Wallace Phone 1 (and other phones used by WALLACE) would be at a particular place at a particular time. For example, on or about March 27, 2012 [TP1 Session ##13126 and 13141], RIVERA, who was using Target Phone 1, had a conversation with the user of Wallace Phone 1, which was registered to “Wallace and Son's Funeral Home.” In these two calls, RIVERA made arrangements to meet the user of Wallace Phone 1 at the caller's residence. Soon after the second of these two calls, surveillance observed a gold Volvo arrive at 16001 Dobson in South Holland, Illinois (“Wallace Residence 1”) and a male exit the vehicle. Agents conducting surveillance subsequently viewed an Illinois driver's license photograph of LAMONT WALLACE, and positively identified WALLACE as the man who arrived at Wallace Residence 1 on March 27, 2012. Approximately ten minutes later, surveillance observed RIVERA arrive at Wallace Residence 1. Surveillance has observed WALLACE at Wallace Residence 1 on multiple occasions. Based on this information, agents determined that WALLACE was the user of Wallace Phone 1. Agents performed a voice comparison of subsequent calls intercepted over Wallace Phone 2, Wallace Phone 3, and Wallace Phone 4 to earlier intercepted calls between RIVERA and WALLACE over Wallace Phone 1. Based on this comparison, agents determined that the same man—WALLACE—was using all four phones.

(1) between February 4, 2012, and February 11, 2012, RIVERA was expecting a shipment of narcotics from HERNANDEZ; (2) during that time, RIVERA was on vacation in Puerto Rico; (3) RIVERA directed FERNANDEZ to make arrangements with HERNANDEZ to accept delivery of that narcotics shipment while RIVERA was away; and (4) the delivery of those drugs was delayed when an associate of the source of supply had some sort of encounter with law enforcement.

2. RIVERA Obtains Two Kilograms of Heroin From RIOS in a Deal Arranged by HERNANDEZ (March 8, 2012).

99. On or about March 6, 2012, at 11:31 a.m. [TP4 Session #3], RIVERA, who was using Target Phone 4, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "I think they are going to leave you two [2 kilograms of heroin], but I need you to get one out [sell one kilogram of heroin] immediately if you can between today and tomorrow because the man needs money because he has some things he has to do." RIVERA stated, "I will have one [kilogram of heroin] ready [to sell] for you by tomorrow morning."

100. On or about March 7, 2012, at approximately 12:13 p.m. [TP4 Session #30], RIVERA, who was using Target Phone 4, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "Let me call this man [source of supply] to see what the hell is going on there [in Chicago]. It's because this man is in Mexico right now. He was going to lend us two [deliver 2 kilograms of heroin on credit] but he kind of wanted us to give him 'tickets [money]' for one of them [pay cash on

delivery for 1 kilogram of heroin], and I replied to him in a message that we didn't have money but to give us a chance to move something [sell heroin] either later or tomorrow.” RIVERA replied, “Yeah, I can take care of one [sell one kilogram of heroin] immediately for him if he wants and I still have to collect a bit more tickets [narcotics cash proceeds], but tell him [source of supply] not to worry about that because we are going to continue working [distributing heroin].” Both parties agreed to talk again later in the day.

101. On or about March 7, 2012, at approximately 6:40 p.m. [TP4 Session #37], RIVERA, who was using Target Phone 4, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "Hold on, I will send you the number so that you can call the guy that's over there [Chicago contact that is in possession of the heroin].” RIVERA stated, “I'm just here waiting for the call [waiting for HERNANDEZ to send RIVERA the phone number of heroin connect in Chicago].” HERNANDEZ responded, “As soon as he [source in Mexico] sends me the number [heroin connect in Chicago], I will call you to give you the number so we can get moving quickly with that shit [start distributing the heroin].”

102. On or about March 7, 2012, at 9:54 p.m. [TP4 Session #43], RIVERA, who was using Target Phone 4, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ asked, “Did you talk to your guys [potential heroin buyers]?” RIVERA responded, “I have one guy that wants 300 points [grams of heroin] and I have another one that wants 100 [grams of heroin], so that's 400 [grams of heroin]. But this

other buddy is going to want another 300 [grams of heroin]. So I will have about 700 [grams of heroin] ready [to sell].”

b. RIVERA continued, “If the man [source of narcotics supply] wants, otherwise if he doesn't want to give me one [kilogram of heroin] like that, he can give me half [a kilogram of heroin] and I will take care of half [a kilogram of heroin] the second day or within a couple hours.” HERNANDEZ replied, “No, I mean, because he's going to lend us two whole cars [two kilograms of heroin], but what he wants is for us to give him the money for one of them [one kilogram of heroin] tomorrow [the source of narcotics supply was willing to give RIVERA two kilograms of heroin on credit, with the understanding that RIVERA would pay for one of the two kilograms the following day].”

c. HERNANDEZ later stated, "This man [the narcotics supplier] just sent me a number so you can call that guy [the heroin contact in Chicago] and make arrangements with him [to receive two kilograms of heroin]. Do you have a pen to take down the number?" RIVERA said he did not have a pen handy, and HERNANDEZ stated, “I'll send it [the heroin contact's phone number] to you via [text] message.”

103. Approximately four minutes later, at approximately 9:59 p.m. [TP1 Session #9892], RIVERA, who was using Target Phone 1, received an incoming text from HERNANDEZ, who was using Hernandez Phone 2. This message stated, "773 494 4433 [Rios Phone 1] *de parte del flaquito* [on behalf of skinny guy]." Based on the intercepted call summarized in the preceding paragraph and the following paragraph, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that

HERNANDEZ in this text message provided RIVERA with the phone number of the individual that RIVERA was to contact to arrange for the purchase of two kilograms of heroin.

104. On or about March 7, 2012, at approximately 10:02 p.m. [TP4 Session #45], RIVERA, who was using Target Phone 4, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “Buddy, I sent you the number [Rios Phone 1] to your cell phone [Target Phone 1]. Check and see if you got it.” RIVERA responded, “Yeah, I just checked it [Target Phone 1] and it [telephone number of Rios Phone 1] came through.”

105. On or about March 7, 2012, at approximately 10:39 p.m. [TP4 Session #46], RIVERA, who was using Target Phone 4, had a conversation with RIOS,¹⁵ who was using

¹⁵ The identification of RIOS and RIOS’s voice in this Affidavit is based on the following: On or about May 4, 2012 [TP7 Session ##50, 51, and 52], RIVERA, who was using Target Phone 7, had several calls with a man who was using Rios Phone 2. During these calls, RIVERA made arrangements to deliver narcotics cash proceeds to the user of Rios Phone 2 at a Wendy's restaurant located near the intersection of Archer and Laramie. Soon after the last of those calls, surveillance observed RIVERA meet with, and hand a large black gym bag to, a man at that restaurant. Surveillance observed the man depart the Wendy's parking lot in a Chevy Malibu (“Rios Vehicle 1”) registered to an address at 4816 South Karlov in Chicago (“Rios Residence 1”). According to a database that compiles public and law enforcement records, RIOS's name was associated with that address. Agents who conducted surveillance of the May 4 meeting at Wendy's viewed RIOS' Illinois driver's license photograph and confirmed that the man depicted in the photograph (RIOS) was the same man who met with RIVERA at Wendy's on May 4, 2012. As discussed below, RIOS also used Rios Phone 2 to set up a meeting with RIVERA on May 10, 2012, at the intersection of 47th and Pulaski, which is near Rios Residence 1 [TP7 Session ##190 and 199]. Shortly after the last of these calls, RIOS was stopped by law enforcement officers for committing a traffic violation en route to that meeting. During this stop, RIOS presented an Illinois driver's license bearing RIOS’s image, the name “ISRAEL RIOS,” and a home address at Rios Residence 1. RIOS also had on his person Rios Phone 2. Agents performed a voice comparison of the intercepted calls between RIVERA and the man using Rios Phone 2, to intercepted calls between RIVERA and the man using Rios Phone 1, and, based on that comparison, believe that the same man—RIOS—was using both phones. In

Rios Phone 1. During this call, RIVERA stated, "I'm calling on behalf of *flaquito*." RIOS asked, "What's going on man?" RIVERA stated, "Well, they [HERNANDEZ] told me to make arrangements with you to see what time we can meet tomorrow." RIOS stated, "I will call you early around ten, eleven, alright, so we can make arrangements [for the sale of two kilograms of heroin]."

106. On or about March 8, 2012, at approximately 10:25 a.m. [TP4 Session #50], RIVERA, who was using Target Phone 4, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, "I did call your guy [RIOS] last night, and right now he called me to go see him [to pick up two kilograms of heroin]. I'm on my way to go see him right now." HERNANDEZ stated, "Alright cousin, that's fine. That's fine."

107. On or about March 8, 2012, at approximately 11:06 a.m. [TP4 Session #54], RIVERA and RIOS agreed to meet at a Mexican restaurant named "Pasadita," which is near the intersection of Division and Ashland in Chicago, Illinois. At approximately 11:28 a.m., surveillance observed RIVERA, driving Rivera Vehicle 2, arrive in the area of the restaurant.

108. At approximately 11:32 a.m. [TP4 Session #56], RIVERA, who was using Target Phone 4, had a conversation with RIOS, who was using RIOS Phone 1. During this

addition, during another intercepted call with RIVERA [TP7 Session #19], HERNANDEZ referred to the user of Rios Phone 2 as "the man that gave you [RIVERA] the two animals [two kilograms of heroin] . . . It was about two months ago [March 2012]." Based on my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that HERNANDEZ was referring to the user of Rios Phone 1, who (as discussed below) delivered two kilograms of heroin to RIVERA on March 8, 2012.

call, RIVERA agreed to meet RIOS at another, undetermined location near the Pasadita restaurant. Surveillance observed RIVERA make a U-turn and turn onto Haddon Avenue. Surveillance lost sight of RIVERA.

109. Surveillance did not observe the meeting between RIVERA and RIOS. Surveillance later observed RIVERA drive Rivera Vehicle 2 out of the area. Based on intercepted calls discussed above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA and RIOS met that morning and that RIOS gave RIVERA two kilograms of heroin on credit to distribute to others.

110. At approximately 12:48 p.m. [TP4 Session #66], RIVERA, who was using Target Phone 4, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “I saw that guy [RIOS] already like an hour or half hour ago, yeah, he [RIOS] gave me that [two kilograms of heroin] already.” HERNANDEZ stated, “Ah, that’s good, cousin. It’s set.”

111. As discussed below, after RIVERA obtained these two kilograms of heroin from RIOS, RIVERA contacted several drug associates to advise them that he had obtained a supply of heroin and was prepared to distribute quantities of the drug. On or about March 8, 2012, at approximately 10:12 p.m. [TP4 Session #93], RIVERA, who was using Target Phone 4, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ asked, “How did it go with the people [drug associates

to whom RIVERA planned to distribute heroin] or what?”

b. RIVERA stated, “Well, the one [drug associate] that was coming with the 300 [request for 300 grams of heroin] that’s for tomorrow, tomorrow morning. . . . I only took out a hundred points [100 grams of heroin in a sale to the UCA, discussed below] that I have papers [buy money] for those there. But I have this guy [drug associate, possibly Individual S (*see* ¶¶ 117-58, below)] that I just gave a ‘picture’ of it [sample of heroin], and he says he is kind of, kind of dry [in need of heroin supply]. That he is, he [drug associate, possibly WALLACE (*see* ¶¶ 159-71, below)] told me that maybe tomorrow he’ll take out like one and a half [kilograms of heroin], cousin, like a whole entire one [kilogram] and another half [kilogram]. . . . Hopefully by tomorrow, I will have everything [money] for the two [kilograms of heroin] so I can take two more [kilograms of heroin].”

c. RIVERA later stated, “Well, hopefully this guy [possibly WALLACE (*see* ¶¶ 159-71, below)], well, he has helped me out before like getting rid of some [selling heroin], like six, seven hundred [600, 700 grams of heroin], or sometimes an entire one [kilogram of heroin]. And like, I know that they [the two kilograms of heroin RIVERA obtained on March 8] are cheap. I know that he [possibly WALLACE] will call me to get rid of them. And he says that maybe one, one and a half [kilograms], he will get rid of for me.”

d. HERNANDEZ stated, “Alright then, cousin. [U/I] Take one out [sell one kilogram of heroin]. Hopefully, you can get rid of them [two kilograms] and if not, at least hopefully we can complete one [sell one kilogram] for the man [supplier] just in case.

And the rest [remaining heroin] there will be more a chance to move it.”

112. Based on the intercepted calls summarized above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) between on or about March 6, 2012, and March 8, 2012, RIVERA arranged through HERNANDEZ to obtain two kilograms of heroin on credit; (b) on March 8, 2012, RIVERA obtained those two kilograms of heroin from RIOS; and (c) after he obtained those kilograms, RIVERA began distributing portions of the heroin to his drug associates, as discussed below.

3. RIVERA and FERNANDEZ Sell Approximately 93.2 Grams of Heroin to the UCA (March 8, 2012).

113. On or about March 8, 2012, at approximately 12:17 p.m. [TP4 Session #59]—within an hour of meeting with RIOS—RIVERA, who was using Target Phone 4, had a conversation with the UCA. During this call, RIVERA stated, “I got you ready [heroin is available for sale], so whenever you want to come by.” UCA responded, “All right, let me get this paper [buy money] together.”

114. At approximately 2:28 p.m. [TP4 Session #68], RIVERA, who was using Target Phone 4, had a conversation with the UCA. During this conversation, the UCA asked, “Where do you want me to meet you at [to purchase heroin]?” RIVERA responded, “My Buddy's crib, over here, remember, by the storage place [Fernandez Residence 1].”

115. At approximately 4:20 p.m., the UCA met with RIVERA and FERNANDEZ at Fernandez Residence 1. Prior to this meeting, the UCA was outfitted with a concealed

audio and video recording device. Due to technical difficulties, the recording device did not work. Following the meeting, the UCA met with agents and was debriefed regarding the events of the meeting. According to the UCA, during this meeting, FERNANDEZ, in the presence of RIVERA, handed a heat-sealed package that contained a substance that appeared to be heroin to the UCA. The UCA then handed RIVERA \$7,500, which RIVERA then counted in front of the UCA.

116. The UCA later left Fernandez Residence 1 and returned to a staging area where he/she met with agents. The UCA handed over the heat-sealed package that he/she received from FERNANDEZ. Agents submitted the substance to the DEA lab, which determined that the substance contained 88.4% purity level of Heroin Hydrochloride, and weighed approximately 93.2 grams.

4. RIVERA Distributes Heroin in Deals Arranged by Individual S.

117. On or about March 3, 2012, at approximately 2:16 p.m. [TP1 Session #9557]—five days before RIVERA obtained two kilograms of heroin from RIOS—RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call, Individual S asked, “What’s the price of the *chalanes* [“workers,” meaning narcotics]?” RIVERA stated, “Right now, they [narcotics] aren’t there yet.” Individual S stated, “Tonillo [HERNANDEZ, a.k.a. “TONO”] called and said that you already had them [narcotics].” RIVERA asked, “Who?” Individual S responded, “TONO [HERNANDEZ], the guy *‘del ojo* [“with the eye”].” RIVERA asked, “When did he call you? Right now?” Individual S stated, “Yeah, to ask if you already had them [narcotics]”

and “[f]or me to ask you for the number [purchase price].” RIVERA stated, “I just spoke with him but let me check [on the status of narcotics delivery] and I’ll call you back.” Individual S stated, “Alright. Because I need like four or five [400 or 500 grams of heroin] right now. At two and a half [250 grams of heroin], no problem.”

118. On or about March 8, 2012, at approximately 10:25 a.m. [TP4 Session #50]—approximately an hour and a half before RIVERA met with RIOS—RIVERA, who was using Target Phone 4, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ stated, “This man [heroin supplier] does have a lot more things [heroin] to give you. . . Should we pass some work [heroin] to [Individual S] or what? So that if [Individual S] has it, then you can take care of him. Or, what do you think?” RIVERA responded, “No, no, buddy. . . . If you [heroin supplier] lend it [heroin] to him [Individual S], it’s difficult, because like I’m telling you, fucking [Individual S] is, uh! It’s more than thirty thousand dollars that he owes me from that same thing [a prior narcotics transaction]. . . . [W]hat he [Individual S] has are little shits, nothing big [small quantity drug buyers]. He says, ‘Yes, yes, yes [Individual S claims he is able to sell large quantities of heroin],’ but in the end, they ain’t fucking worth shit.”

b. RIVERA stated, “Alright then, buddy. No well, you know what I'm going to do? Um, I'm going to go talk to him [Individual S] to see what he tells me, and if he wants something [heroin], well, it will be there [available through RIVERA], but it will be ‘give and grab [cash on delivery]’ because with him, it’s not [U/I]. And the problem is

that he also works around [sells heroin in the area of] 26th, and 26th is, well, you know that its all burned up [heavy law enforcement presence]. So fucking 26th is all burned up. That's why I don't really like to deal with him [Individual S] there."

a. RIVERA and Individual S Attempt to Distribute 100 Grams of Heroin (March 9, 2012).

119. On or about March 8, 2012, at approximately 12:44 p.m. [TP1 Session #9974]—approximately one hour after RIVERA obtained two kilograms of heroin from RIOS—RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call:

a. Individual S asked RIVERA if he had any "*chalanes* ["workers," meaning cocaine]." RIVERA asked, "The regular ones or which ones [asking whether Individual S wanted cocaine or heroin]?" Individual S responded, "Workers [cocaine], like the ones we were going to work with [selling] with the guy from the dealer." RIVERA stated, "Oh, not that one [cocaine]. I don't have any, just the ones from the other side [heroin]."

b. Individual S stated, "The guy from the shop [a drug associate] called me saying that he needs two *chalanes* [200 grams of narcotics]." RIVERA stated, "Alright." Individual S stated, "They're [drug associates are] dry [out of cocaine], they said. And that a guy called him saying that he needs two [200 grams of cocaine]." RIVERA stated, "Well no, dude, right now it's just with this other kind [heroin], man."

c. Individual S asked, "But what's the number [purchase price]?"

RIVERA responded, "Six-two [\$62 per gram of heroin]." Individual S stated, "Alright. Could you give us a picture [sample of heroin]?" RIVERA stated, "No, you take pictures [samples of heroin] and you never do anything [purchase more heroin]." Individual S stated, "Just give me one [sample of heroin], and we'll tell this guy [drug associate] to pay me for it [the sample of heroin]." RIVERA later stated, "I'll give you a picture [sample of heroin], but you owe me for it." Individual S stated, "Yeah, no problem."

d. RIVERA stated, "And let's make arrangements with the other stuff [repayment of a prior drug debt that Individual S owes to RIVERA] because it's been two to three years, dude." Individual S responded, "Well, yeah. Well, give me a chance to grab something [a quantity of heroin for Individual S to resell]." RIVERA stated, "Alright." Individual S stated, "Because I can tell that guy [drug associate] to keep getting rid of it [heroin], and whatever is my share [of the proceeds], he can give it to you." RIVERA and Individual S then agreed to meet later that day at "the storage place by Pulaski [Fernandez Residence 1]."

120. On or about March 8, 2012, at approximately 4:24 p.m. [TP1 Session #10000], RIVERA, who was using Target Phone 1, had another conversation with Individual S, who was using Individual S Phone 1. During this call, RIVERA and Individual S agreed to meet near 26th Street "in an hour."

121. On or about March 9, 2012, at approximately 6:10 p.m. [TP1 Session #10331], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call, Individual S asked, "Do you think we could

work [conduct heroin sale] right now?" RIVERA responded, "Whenever you want." Individual S stated, "Okay. I'll call you right now [on Target Phone 4]. I'm on my way over there, huh, a hundred *pesos* [100 grams of heroin], so the guy can start." RIVERA stated, "Alright." Individual S asked, "Where do you want me to meet you by? I'll take the *boletos* [tickets, meaning money] over there." RIVERA and Individual S agreed to meet on the south side of Chicago by Zacatacos on Pulaski Street in 30 or 40 minutes. In subsequent calls, RIVERA and Individual S pushed back the meeting time by several hours.

122. At approximately 10:15 p.m. [TP1 Session #10373], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call, RIVERA and Individual S agreed to meet within minutes of the call at "74th and Pulaski." RIVERA stated, "This guy [FERNANDEZ] lives here, where the storage is at [Fernandez Residence 1]." Individual S stated, "Oh, where we went for those things [narcotics]? . . . Where you store things [narcotics]?" RIVERA stated, "Yeah, right there." Based on this intercepted call, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA and Individual S met at Fernandez Residence 1 soon after this call to discuss a heroin transaction.

123. At approximately 11:06 p.m., cell phone location data ("GPS ping data") for Target Phone 4 indicated that Target Phone 4 was near the Southeast corner of W. 74th Street and S. Pulaski Rd. in Chicago, near Fernandez Residence 1.

124. At approximately 11:41 p.m. [TP1 Session #11106], RIVERA, who was using

Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call:

a. Individual S stated, "We are going home now." Individual S then stated, "We already left. We're by 67th [Street]. The idiot [a prospective heroin customer] didn't understand. He says, 'One [drug associate] is going over there and the other one [drug associate] over there.' And they are telling him [the prospective customer] that not any more [of Individual S's associates should be near the exchange of money]. That if they want, one [of Individual S's associates] has to come [to the exchange] by himself." Individual S later stated, "We are fucking going home now."

b. RIVERA stated, "Tell them that everything [the prospective heroin deal] is done here." Individual S stated, "Forget about it. Nothing [no heroin deal] is going to happen there." RIVERA stated, "We took everything [the heroin] out of there [the location of the proposed exchange]."

125. Based on the intercepted calls discussed above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that Individual S arranged to sell 100 grams of the heroin that RIOS fronted to RIVERA on March 8, 2012, to unidentified individuals on March 9, 2012, and that the deal did not go forward because the parties could not agree on how to structure the exchange of money for heroin.

126. On or about March 10, 2012, at approximately 4:42 p.m. [TP1 Session #10489], RIVERA, who was using Target Phone 1, had a conversation with Individual S,

who was using Individual S Phone 1. During this call:

a. RIVERA asked, "What happened [during the failed attempt to sell heroin on March 9], dude?" Individual S stated, "I think I'm going to go over there with you [pick up heroin from RIVERA] like around six [6:00 p.m.] because the *changos* ["gorillas," meaning prospective heroin buyers from the previous night] called that other guy and that they are going to want the *cien* ["100," meaning 100 grams of heroin] but we [the prospective buyers] only have the tickets [buy money] for 50 [50 grams of heroin]. So we won't make two trips. He [buyer] told me that around five [5:00 p.m.] [U/I]. If you want, I'll call you like half hour before [meeting with buyer] to make arrangements. And only me and the other dude [buyer] are going to go [to the exchange], and I'm getting off by myself . . . with the tickets [buy money]." RIVERA stated, "Alright."

b. Individual S later stated, "So when I call you, it's because I already have the tickets [buy money], so we're not on the same bullshit [the failure to agree on how to handle the exchange of money for heroin] like last night." RIVERA stated, "Alright, dude."

b. RIVERA, FERNANDEZ Distribute 10 to 12 Grams of Heroin to Individual C, in a Deal Arranged by Individual S (March 27, 2012).

127. On or about March 27, 2012, at approximately 11:27 a.m. [TP1 Session #13089], RIVERA, who was using Target Phone 1, spoke with Individual S, who was using Individual S Phone 1. During this call, Individual S asked, "Do you have a chance to work [sell heroin] later on?" Individual S again asked, "I'm asking if you have time to work [sell heroin] later?" RIVERA responded, "What [amount of heroin] did you want to work with

[buy]?" Individual S responded, "Like three *centenarios* [300 grams of heroin]." RIVERA stated, "All right, let me see. I'll call you right back."

128. On or about March 27, 2012, at approximately 12:12 p.m. [TP1 Session #13103], RIVERA, who was using Target Phone 1, had another conversation with Individual S, who was using Individual S Phone 1. During this call, RIVERA and Individual S again discussed the "three *centenarios* [300 grams of heroin]." Individual S stated, "They [Individual C¹⁶ and Individual C's drug associate] are here already but I told him [Individual C] [wait] until four or five [4:00 or 5:00 p.m.]. He told me to tell you to sell him ten [10 grams of heroin], he has the tickets [money] to go get them [10 grams of heroin] and so they could check them [10 grams] out and later on in the evening we could do the *tres pesos* [300 grams of heroin]." RIVERA asked, "Oh, he [Individual C] only wants ten [grams of heroin] now?" Individual S responded, "I have the tickets [money] for ten [grams of heroin]. But I know that they do want them [full order of heroin] because they tried it [heroin] already but that dumb-ass [Individual C or his associate] doesn't remember. Remember the two [grams of heroin] that you gave me?" RIVERA stated, "Come to where we were before [Fernandez Residence 1, where RIVERA and Individual S met on March 9]." RIVERA continued, "For the ten [grams of heroin]."

129. At approximately 12:14 p.m. [TP1 Session 13105], RIVERA, who was using

¹⁶ In a subsequent call between RIVERA and Individual S later that day, at approximately 8:28 p.m. [TP1 Session #13216], RIVERA asked, "Who did you take over there [to Fernandez Residence 1 on March 27]?" Individual S responded, "Only my friend went." He later identified this friend as a former Latin King from the area of "Trumbull and 24th."

Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA asked, "This guy, um, that Mexican guy that was there the last time, [Individual S], remember?" FERNANDEZ responded, "Uh-huh." RIVERA continued, "Alright, he's going to come right now, man. He, he just wanted um, he just wanted to get ten [grams of heroin], man, just ten [grams of heroin]." FERNANDEZ later asked, "And he's going to give me the money?" RIVERA responded, "Yeah, yeah, he's gonna give it to you." FERNANDEZ asked, "How much should he give me?" RIVERA responded, "Like six-twenty [\$620], I think it is." FERNANDEZ asked, "Six-twenty [\$620]?" RIVERA responded, "Yeah."

130. At approximately 12:37 p.m. [TP1 Session #13112], RIVERA, who was using Target Phone 1, again spoke with Individual S, who was using Individual S Phone 1. During this call, Individual S stated, "Buddy, I'm going for one-fifty, a hundred and sixty [grams of heroin]." RIVERA asked, "Do you have the tickets [money]?" Individual S responded, "Yeah, I'm on my way over there right now." RIVERA later asked, "You do know how to make calculations [calculate the purchase price for 160 grams of heroin]?" Individual S responded, "Yeah, yeah, no problem. We'll do it there quickly." RIVERA later stated, "It's sixty-two [\$62] for each one [gram of heroin], alright?" Individual S replied, "Alright."

131. At approximately 12:41 p.m. [TP1 Session #13115], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA stated, "Hey, that nigga's [Individual S is] gonna' stop by for like a buck fifty [150 grams of heroin], that's it bro." FERNANDEZ asked, "The one-fifty

[150 grams of heroin]?" RIVERA responded, "Yeah." FERNANDEZ stated, "Okay. Well, how much [money] is he supposed to give me? Sixty-two [\$62 per gram of heroin] plus" RIVERA interjected, "Sixty-two [\$62 per gram of heroin] times, I think, no, I think he said one-sixty, bro, one-sixty [160 grams of heroin]." RIVERA later stated, "[J]ust have it there then, and when he gets there, I don't know if it's a buck [100 grams], one-fifty [150 grams] or one-sixty [160 grams of heroin], bro, but, you know? Do the math times sixty-two [\$62 per gram of heroin]." FERNANDEZ stated, "Sixty-two [\$6,200 for 100 grams of heroin] and then the other one would be half of that [\$3,100 for 50 grams of heroin], and then plus the ten [grams of heroin]. Alright, I got it, I got it."

132. At approximately 1:04 p.m. [TP1 Session #13120], RIVERA, who was using Target Phone 1, again spoke with Individual S, who was using Individual S Phone 1. During this call, Individual S asked, "Are you there [Fernandez Residence 1] already?" RIVERA responded, "Yeah, my buddy [FERNANDEZ] is there." Individual S stated, "I'm almost going in [Fernandez Residence 1]." RIVERA stated, "Alright, dude. My buddy [FERNANDEZ] is there, dude." Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) soon after this call, Individual S and Individual C met with FERNANDEZ at Fernandez Residence 1; and (b) during that meeting, FERNANDEZ, at the direction of RIVERA and in a deal arranged by Individual S, gave Individual C approximately 10 to 12 grams of heroin, which Individual C intended to distribute to another wholesale purchaser.

133. At approximately 1:19 p.m. [TP1 Session #13128], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call:

a. FERNANDEZ stated, “They [Individual S and Individual C] just came for a 12 pack of beer [12 grams of heroin] and that’s it.” RIVERA asked, “For a twelve pack [12 grams of heroin]?”

b. FERNANDEZ stated, “And then they’re on that fuckin’, ‘Oh, well, we’re gonna’ try it [sample the heroin].’ And then they’re gonna’ come back for the fifth, the fifty-fifth [50 grams of heroin].’ And I was like, ‘Alright, go ahead.’ . . . And then he [Individual C or Individual S] was trying to rush. I’m like, ‘Hey, don’t go nowhere. Let me count this [heroin buy money].’ He [Individual C or Individual S] was like, ‘Are you trying to rob me?’ I looked at him I’m like, ‘Hey, don’t say that shit, man.’ I kept counting the money.”

c. RIVERA stated, “Alright. Where was his guy [Individual C] at?” FERNANDEZ responded, “They [Individual S and Individual C] both left.”

134. At approximately 1:22 p.m. [TP1 Session #13133], RIVERA, who was using Target Phone 1, again spoke with Individual S, who was using Individual S Phone 1. During this call, Individual S stated, “Look, I came [to Fernandez Residence 1] with these guys [Individual C and his associate] already. Because I told him that the shirt [heroin] was gray, ah, they took the ten [grams of heroin] and right now while they go and check it out [inspect the heroin], in a half hour, he’s going to come for 150 [grams of heroin]. And around five

[5:00 p.m.] for three [300 grams of heroin]. Okay? Either way, those [10 grams of heroin] are paid for. The ten [grams of heroin]. It's just that I told him [Individual C] that it [heroin] was darker and he wasn't too convinced. But I told him to go check it out. I know that these [heroin] will pass. I think he'll be back within one hour for 150 [grams of heroin].” RIVERA stated, “Alright, dude. Call me then.”

c. RIVERA and FERNANDEZ Front 50 Grams of Heroin to Individual C, in a Deal Arranged by Individual S (March 28, 2012).

135. On or about March 27, 2012, at approximately 8:28 p.m. [TP1 Session #13216], RIVERA, who was using Target Phone 1, again spoke with Individual S, who was using Individual S Phone 1. During this call:

a. Individual S stated, “Well, these guys [Individual C and his associate] already, they went to check it [10 or 12 grams of heroin] out, dude. That's why they paid me the 12 [paid for 12 grams of heroin]. And they're going to come early tomorrow. The thing is, I had told them the shirt [heroin] was a color gray like the one that we played with in the game, and they looked at it [10 or 12 grams of heroin] over here and it was a little more discolored, so he [Individual C] said, ‘You know what?’ They took it [10 or 12 grams of heroin] to check it out over here, two hours away. But right now, they called me saying ‘Yes,’ but its too late [in the day for a transaction] right now, man.”

b. RIVERA asked, “And what [amount of heroin] do they want to do [buy] tomorrow?” Individual S stated, “Well, the *tres pesos* [300 grams of heroin] first, and then from those *tres pesos*, we [Individual S and Individual C] are going to give the other point

[heroin sample] to the other dude [CURTIS¹⁷] so we don't take pictures [samples] from you anymore. And from there he's going to come for the hundred-fifty [150 grams of heroin]."

c. RIVERA stated, "You don't even know what [quantity of heroin the buyers intend to purchase], right? He [Individual C] says three [300 grams of heroin], and the one-fifty [150 grams of heroin], and then ten [10 grams of heroin], and 12 [12 grams of heroin]." Individual S stated, "No, it's three [300 grams of heroin]. 450 [450 grams of heroin]. But they want three [300 grams of heroin] first, and then one-fifty [150 grams of heroin]. They are two different people [heroin buyers]. I will call you in the morning once the papers [buy money] are here, once I secure the paper."

136. On or about March 28, 2012, at approximately 12:28 p.m. [TP1 Session #13309], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call, Individual S stated, "Look I'm here, I'm going to, I'm, I'm by your buddy's [Fernandez Residence 1] to, to see how we can work it out [negotiate heroin purchase], okay? To see what we can arrange." RIVERA asked, "Why? What are you saying? What's up?" Individual S responded, "Well yeah, we're going

¹⁷ The identification of CURTIS in this Affidavit is based on the following: On or about March 28, 2012, surveillance observed two unidentified men, who were later identified as DEANGELO CURTIS and Individual T, meet with one of RIVERA's drug associates in the parking lot of the Zacatacos restaurant at 71st Street and Pulaski in a Lincoln sedan. Following this meeting, surveillance observed these two men depart the parking lot in a white Cadillac. Surveillance followed the Cadillac. At approximately 2:45 p.m., law enforcement stopped the Cadillac after observing it commit a traffic violation. The driver initially identified himself as "Phillip Jones." After agents obtained an Illinois driver's license photograph of Phillip Jones and showed the photograph to the driver, the driver admitted that he had lied about his identity and that his real name was DEANGELO CURTIS. The agents subsequently obtained a CPD booking photo of CURTIS and confirmed that the driver was in fact CURTIS.

to go forward with that [the purchase of 450 grams of heroin]. But hopefully, how do you want, do you want me to come by myself or with the guy or what?" RIVERA stated, "Well, who were you with yesterday, dude?" Individual S stated, "Well, with this guy [Individual C], he's here with me. So I can tell him that, just so that he and I can come by with the tickets and these guys [CURTIS and Individual T] can wait for me over there [near Fernandez Residence 1]." RIVERA stated, "Alright. When will you arrive [at Fernandez Residence 1]?" Individual S responded, "I think in about twenty minutes. I'm at 47th and Pulaski."

137. At approximately 1:12 p.m., surveillance observed two unidentified men, whom agents believe to be Individual C and his associate, arrive in a white Lincoln sedan at Fernandez Residence 1. At approximately 1:14 p.m. [TP1 Session #13323], RIVERA, who was using Target Phone 1, had another conversation with Individual S, who was using Individual S Phone 1. During this call, Individual S asked, "Are you coming?" RIVERA responded, "Yeah, I'm there, man." Individual S stated, "Okay. I'm here, parked."

138. At approximately 1:16 p.m., surveillance observed RIVERA, FERNANDEZ, and FERNANDEZ's girlfriend (Individual F) arrive at Fernandez Residence 1. Surveillance then observed RIVERA approach the Lincoln sedan, lean into an open passenger side door of the vehicle, and engage Individual C and his associate in a conversation. At approximately 1:19 p.m., surveillance observed RIVERA walk from the Lincoln sedan carrying a white plastic bag and enter Fernandez Residence 1. At approximately 1:20 p.m., Individual C and his associate exited the Lincoln and entered Fernandez Residence 1.

139. Based on subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that during this meeting, RIVERA and FERNANDEZ fronted Individual C approximately 50 grams of heroin, in a deal arranged by Individual S.

d. Individual C Distributes at least 18 Grams of Heroin to CURTIS (March 28, 2012).

140. On or about March 28, 2012, at approximately 1:27 p.m., Individual C and his associate exited Fernandez Residence 1, returned to the Lincoln sedan, and drove to the parking lot of the Zacatacos restaurant at 71st Street and Pulaski. At approximately 1:29 p.m., surveillance observed the driver of the Lincoln exit the vehicle and enter the back seat of a white Cadillac occupied by two unidentified males, who were later identified as DEANGELO CURTIS and Individual T. About one minute later, the man from the Lincoln exited the back seat of the Cadillac and returned to the Lincoln. Both vehicles then left the parking lot, driving in separate directions. Surveillance agents followed the Cadillac.

141. At approximately 2:45 p.m., surveillance observed the Cadillac perform a right-hand turn from the center lane of Pulaski, almost colliding with another vehicle and some pedestrians in a walk-way. Surveillance agents then performed a traffic stop of the Cadillac on 55th Street just east of Pulaski. Agents asked the driver to exit the vehicle and asked why he was driving erratically. The driver identified himself as "Phillip Jones" and stated he was lost. After agents obtained an Illinois driver's license photograph of Phillip Jones and showed the photograph to the driver, the driver admitted that he had lied about his identity

and that his real name was DEANGELO CURTIS. The arresting agents subsequently obtained a CPD booking photo of CURTIS and confirmed that the driver was in fact CURTIS. The passenger identified himself as Individual T.

142. Agents asked CURTIS if there was anything illegal on his person or in the vehicle. CURTIS responded, "Nothing I know of." CURTIS then gave agents permission to search his person and his vehicle. While searching the inside of the vehicle, officers located, between the driver's seat and the center console, a clear plastic bag containing a brownish, chunky substance that appeared to be heroin.

143. Agents advised CURTIS of his Miranda rights. CURTIS acknowledged that he understood his rights. After acknowledging his rights, CURTIS agreed to answer questions. During this interview at the scene of the arrest, CURTIS stated that the substance in the bag was in fact heroin and that he purchased the heroin from a Hispanic male that he knew as "TRIG." CURTIS stated that he did not know TRIG's real name, but stated he knew he was a Latin King gang member. CURTIS stated he paid \$700 for the heroin and was going to use the profits from selling the heroin to pay for his grandmother's funeral.

144. Agents advised Individual T of his Miranda rights. Individual T acknowledged that he understood his rights. After acknowledging his rights, Individual T agreed to answer questions. During this interview at the scene of the arrest, Individual T stated that he was in the Cadillac with CURTIS when they met with a Hispanic man in the parking lot of a Mexican restaurant. Individual T stated that he knew that CURTIS and the Hispanic male had interacted with each other earlier, but that the subject of their meeting was between the two

of them. After the interviews, agents seized the suspected heroin and released both men at the scene of the arrest.

145. Agents subsequently submitted the substance found in the Cadillac to the DEA lab, which determined that the substance contained 90.5% purity level of Heroin Hydrochloride, and weighed approximately 18 grams. Based on the intercepted calls summarized above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that the heroin seized from CURTIS was a portion of 50 grams of heroin that RIVERA and FERNANDEZ previously distributed to Individual C.

146. On or about March 29, 2012, at approximately 10:39 a.m. [TP1 Session #13474], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call:

a. RIVERA asked, "What happened with this dude yesterday [referring to CURTIS's March 28 arrest], dude?" Individual S stated, "I think the guys [Individual C and his associate] are full of shit [lying about law enforcement's seizure of 19 grams of heroin]. I think he [Individual C] might have kept them [50 grams of heroin that RIVERA and FERNANDEZ fronted to Individual C]."

b. Individual S asked, "You don't think that he might have kept them, with the ten [10 grams of heroin], with what was left?" RIVERA stated, "Yeah, with, with the fifty [50 grams of heroin that RIVERA fronted on March 28]." Individual S asked, "How much [heroin] did you give to him?" RIVERA responded, "Fifty [grams of heroin]."

Individual S stated, “Stop fucking playing, dude. The dude [Individual C] told me that it was ten [grams of heroin]. No, those guys [Individual C and his associate] are full of shit [lying about the seizure]. Yesterday he [Individual C] called me at like nine at night [9:00 p.m.], telling me that he was still going to work [buy heroin from RIVERA] today.”

c. RIVERA stated, “He [Individual C] said that he got home [after the transaction with Individual S] and that they [law enforcement] went in there and I don’t know what the hell.” Individual S asked, “So don’t you think that they [law enforcement] weren’t going to take him away [arrest] him [CURTIS or Individual C] with that [heroin]?” RIVERA stated, “Yeah.”

d. Individual S stated, “Either way, he [Individual C] has to pay you for them [50 grams of heroin].” Individual S stated, “He said that he didn’t have money to fix his car and yesterday he called me, that he was putting on the new hood already.” RIVERA stated, “Alright.” Individual S stated, “These faggots [Individual C and his associate] might have gotten rid of them [sold 50 grams of heroin] already, and now they’re saying some bullshit that they [law enforcement] took them from him.”

147. On or about March 29, 2012, at approximately 6:44 p.m. [TP1 Session #13596], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call, Individual S stated, “I’ve been calling him [Individual C] and he isn’t answering.” RIVERA asked, “The fucking shorty from 24th [Individual C]?” Individual S stated, “Yeah.” Individual S stated, “I told you just the 12 [grams of heroin] but you said to give him the 50 [grams of heroin].” RIVERA stated,

“Yeah.” RIVERA stated, “If he [Individual C] needs more time [to repay the 50 grams of heroin], he just needs to ask. If he got fucked [arrested with the fronted heroin], then he’s fucked. He needs to be careful.” Individual S stated, “He [Individual C] told me that it [seized heroin] was only 10 [grams] but I said that it was 50 [grams] and he said, ‘Oh fuck.’”

148. On or about March 31, 2012, at approximately 11:11 p.m. [TP1 Session #13945], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call:

a. Individual S stated, “This *marrano* [“pig,” meaning Individual C] came already. . . . And he brought me, they are like 30 [grams of heroin].” RIVERA asked, “30 of what?” Individual S stated, “Of those [50 grams of heroin] that you gave him [on March 28]. This fucking shorty [Individual C].” RIVERA asked, “Why? What did he [Individual C] say about the 30 [grams of heroin]?” Individual S stated, “Well, he brought me 30 [grams of heroin back] and said that they [law enforcement] only took ten [grams of heroin] from him [CURTIS].”¹⁸ RIVERA asked, “Who took ten [grams of heroin] from him?” Individual S responded, “That the cops took ten [grams of heroin] away from him.” Individual S stated, “He [Individual C] told me that, that they had pictures of he and I leaving from over there where you store the stuff [Fernandez Residence 1].”

b. Individual S stated, “Well, either way, I’ll keep them [30 grams of heroin] for you. For when you want to pass for them. Or I’ll take them to you, or we’ll see

¹⁸ As discussed above, law enforcement seized approximately 19 grams of heroin from CURTIS on March 28, 2012.

what's up, or I'll see if I can get rid of them for you." RIVERA stated, "Alright." RIVERA asked, "Does the lady [30 grams of heroin] look the same [as it did when it was first fronted to Individual C on March 28]?" Individual S responded, "Yeah, she [heroin] does look the same."

c. Individual S stated, "But he's [Individual C] saying that he had these [30 grams of heroin hidden] in the yard, and he had some other ones [heroin] in his shirt and others who knows where [explaining why law enforcement was unable to find these 30 grams of heroin]. Ah, that's bullshit. The only thing that this faggot [Individual C] could have sold was the ten [grams of heroin] that are missing."

149. On or about April 6, 2012, at approximately 8:28 a.m. [TP1 Session #14657], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call, Individual S stated, "I have your stuff [30 grams of heroin] there [at a garage]. That guy [heroin buyer] never came." RIVERA asked, "Did you ever measure it [heroin that Individual C returned]?" Individual S responded, "It's thirty [grams of heroin]. It looks the same [as it did when RIVERA fronted it to Individual S and Individual C on March 28]. It's just a little crumbled, but it's not ground. If you want to, come by to pick it up later." RIVERA stated, "Alright. Well, if you can't find a way to get rid of it, then I will come by to pick it up later. . . . You've had it for a fucking month." Individual S stated, "It's only been one week [since Individual C returned the heroin on March 31]."

150. Based on the intercepted calls discussed above, subsequently intercepted calls

discussed below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) on or about March 28, 2012, RIVERA and FERNANDEZ met Individual C and one of Individual C's associates at Fernandez Residence 1, while Individual S waited outside; (b) during that meeting, RIVERA and FERNANDEZ fronted approximately 50 grams of heroin to Individual C, in a deal arranged by Individual S; (c) later that day, Individual C fronted at least 19 of those 50 grams of heroin to CURTIS in the parking lot of the Zacatacos near Fernandez Residence 1; (d) law enforcement later seized approximately 19 of those 50 grams of heroin from CURTIS during a traffic stop; (e) on or about March 31, 2012, either Individual C returned the remaining 30 grams of heroin to Individual S; and (f) Individual S agreed to hold onto and sell those 30 grams of heroin for RIVERA.

e. Individual S Fronts 30 Grams of Heroin to Individual D (May 21, 2012).

151. On or about May 21, 2012, at approximately 1:08 p.m. [TP1 Session #19822], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 2. During this call:

a. RIVERA stated, "Well, I wanted to come by and pick that up [30 grams of heroin that CURTIS or Individual C returned to Individual S on March 31]. I have a guy who asked me for them." Individual S responded, "[Individual D] took them [30 grams of heroin] a while ago. He's supposed to bring me one-thousand five-hundred [\$1,500] right now." Individual S stated, "He [Individual D] took them in the morning, but he just called

me and told me he was going to come by to bring me one-thousand five-hundred [\$1,500].” RIVERA asked, “When did he [Individual D] take them [30 grams of heroin]?” Individual S stated, “A while ago. In the morning.” RIVERA asked, “And he’s [Individual D’s] going to pay you for them today?” Individual S stated, “Yeah. He just told me that he was on his way from there to here with one-thousand five-hundred [\$1,500].”

b. RIVERA stated, “But how much [heroin] did you have there? I thought you said you had more than 30 [grams of heroin].” Individual S stated, “Twenty-eight [grams of heroin]. It was 30 [grams] including the wrapping. And with that, it was 28 [grams]. But he [Individual D] said he would give me one-thousand five-hundred [\$1,500] right now and that tomorrow, later on today he would give me 500, 900 *pesos* [a \$500 or \$900 down payment].”

c. RIVERA stated, “Son of a bitch. Call me when you have it [Individual D’s buy money] so I can come by to get the papers [money].”

152. On or about May 21, 2012, at approximately 5:22 p.m. [TP1 Session #19848], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 2. During this call, RIVERA asked, “What happened with [Individual D] [repayment for the 30 grams of fronted heroin]?” Individual S stated, “I called the dude and he said he would call me back.” Individual S agreed to call RIVERA later that day.

153. On or about May 22, 2012, at approximately 1:36 p.m. [TP1 Session #19864], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was

using Fernandez Phone 1. During this call:

a. FERNANDEZ asked, “What’s up with dude [Individual S], man? What’s going on with the Mexican guy? . . . Uh, [Individual S]?” RIVERA stated, “I don’t know. Mother fucker never called me back [to discuss the \$1,500 Individual S owes for the 30 grams of heroin], bro.” FERNANDEZ stated, “Let’s go get him.” RIVERA stated, “That’s what I was waiting for him [Individual S] yesterday, nigga’, when I was with you. That’s why I called him. I’m like, ‘Where’s this nigga’ [Individual D] at, bro?’ Yeah, ‘cause I know he [Individual S] was gonna’ come up with a story [a lie about the status of the proceeds from Individual S’s sale of the 30 grams of heroin].”

b. FERNANDEZ asked, “You coming out, then, or what? . . . That way we could go see what’s up with that shit [money Individual S owes on the 30 grams of heroin], nigga’, that old boy [Individual S] was talking about, no?” RIVERA stated, “I don’t know. Let me call him [Individual S], bro. Let me see what’s up.”

154. At approximately 1:38 p.m. [TP1 Session #19865], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 2. During this call, RIVERA asked, “What happened [with the repayment for the 30 grams of heroin]? You couldn’t [U/I] [Individual D]?” Individual S stated, “No, I was calling and calling him [Individual D] and his fuckin’ phone is turned off. I’m about to go to his house right now.”

155. At approximately 7:57 p.m. [TP1 Session #19955], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 2.

During this call, Individual S stated, “I’m over here [at Individual D’s residence], this motherfucker, because he is wasn’t answering me. So I came to look for him at his house [to collect money for the 30 grams of heroin].” RIVERA stated, “Alright. What did he [Individual D] tell you?” Individual S stated, “He [a drug associate] told me that, that the *morros* [“guys,” meaning heroin] are here, but the dude [Individual D] wasn’t there and his lady [Individual D’s girlfriend] didn’t give them [heroin] to him [drug associate]. . . . That [Individual D] wasn’t there and the lady didn’t want to give the guys [drug associates] the work [heroin]. He [drug associate] just told me that he’s [Individual D’s] going to get rid of it [sell 30 grams of heroin] later tonight.”

156. On or about June 8, 2012, at approximately 10:56 a.m. [TP1 Session #20722], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 2. During this call, Individual S stated, “On Sunday, I’ll give you your money [for the 30 grams of heroin].” RIVERA asked, “What happened, dude? You were going to call me two weeks ago.” Individual S stated, “I went to his [Individual D’s] house and his lady told me that he was out.” RIVERA asked, “Who? [Individual D]?” Individual S stated, “Yeah.” Individual S stated, “On Saturday, they [Individual S’s employers] will give me a check for \$1,500 [for legitimate ranch labor]. On Sunday, I can give you at least \$1,200 [as partial repayment for the 30 grams of heroin].”

157. Between on or about June 16, 2012, and June 23, 2012, RIVERA, who was using Target Phone 1, had multiple conversations with Individual S, who was using Individual S Phone 2 [TP1 Session ##21726, 21937, 22002, 22010, and 22991] and

Individual S Phone 3 [TP1 Session #22997]. In these calls and messages, RIVERA repeatedly and unsuccessfully attempted to collect from Individual S repayment for the 30 grams of heroin that Individual S fronted to Individual D.

158. Based on the intercepted calls summarized above, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) on or about May 21, 2012, Individual S gave Individual D the 30 grams of heroin that CURTIS returned to Individual S on March 31, 2012; (b) Individual S agreed to give RIVERA \$1,500 for those 30 grams of heroin because Individual S first obtained that heroin on credit from RIVERA and FERNANDEZ on or about March 28, 2012; and (c) as of June 23, 2012, Individual S still owed RIVERA \$1,500 for those 30 grams of heroin.

5. RIVERA Fronts Over One Kilogram of Heroin to WALLACE.

a. RIVERA Distributes a Quantity of Heroin to WALLACE (March 12, 2012).

159. On or about March 6, 2012, at approximately 8:56 p.m. [TP4 Session #26]—two days before RIVERA obtained two kilograms of heroin from RIOS—RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call:

a. WALLACE stated, “I thought you said they [kilograms of heroin] was here and all this. They [heroin suppliers] been saying that all year, huh?” RIVERA stated, “I got two [kilograms of heroin], bro.” WALLACE asked, “So what you wanna’ do, bro?” RIVERA stated, “How long would you take with one of them [to sell one kilogram of

heroin]? Like, is there some way you could go ahead and cover one [pay for one kilogram of heroin on delivery] and I can spot you another one [give one kilogram of heroin on credit]?” WALLACE responded, “You be thinking I be playing with you, don’t you, man? I’m fucked up [in need of a heroin supply], you just don’t even understand it. I’m fucked up and I’m serious [about obtaining heroin].”

b. RIVERA stated, “Anyways, well, I got it [heroin] together, man. WALLACE stated, “Call me then, bro. I’ll be waiting on you [to supply heroin]. I got a mother fucker on line [buyer ready to purchase heroin from WALLACE] though, but I need to get with you, man.”

160. On or about March 8, 2012, at approximately 1:16 p.m. [TP4 Session #67]—approximately one and a half hours after he met with RIOS—RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, RIVERA stated, “You need to come see me man.” WALLACE asked, “You ready [to sell heroin] for me?” RIVERA responded, “Hell yeah.”

161. On or about March 9, 2012, at approximately 6:23 p.m. [TP4 Session #102], RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, RIVERA asked, “Well, what [amount of heroin] you want me to bring?” WALLACE responded, “Shit, what you got? What you got for me?” RIVERA stated, “I got shit [heroin] for you mother fucker. Shit [heroin] I’m moving around [selling] over here man. If you need some, I got it.” RIVERA later stated, “Nigga’, I got, I got two [kilograms of heroin], bro. Sitting there, you know what I mean?”

WALLACE stated, “Bring me one [kilogram of heroin], mother fucker.” WALLACE later stated, “Just give me a couple of days before you get to sweating me [asking for repayment for fronted heroin], man.”

162. Between on or about March 9 and 12, 2012, RIVERA and WALLACE exchanged multiple calls discussing plans to meet each other in person. On or about March 12, 2012, at approximately 4:25 p.m. [TP4 Session #196], RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, RIVERA and WALLACE made arrangements to meet at “about 7:45” at WALLACE's house.

163. On or about March 12, 2012, at approximately 8:03 p.m. [TP4 Session #208], RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, RIVERA asked, “You made it home yet?” WALLACE responded, “Yeah.” RIVERA stated, “Alright, I'm going to slide out by you [WALLACE's house].”

164. At approximately 8:50 p.m, surveillance observed Rivera Vehicle 2 arrive at Wallace Residence 1. Surveillance later observed RIVERA exit Wallace Residence 1 holding a large blue duffle bag, which he placed in the rear of Rivera Vehicle 2. RIVERA then got into Rivera Vehicle 2 and departed. Based on this surveillance, the calls and texts intercepted both before and after this surveillance, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA met with WALLACE at WALLACE's house that night and fronted WALLACE a quantity of heroin.

b. RIVERA Distributes One Kilogram of Heroin to WALLACE (March 15, 2012).

165. On or about March 13, 2012, at approximately 7:38 p.m. [TP4 Session #250], RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, RIVERA asked WALLACE whether he was “ready for this one [one kilogram of heroin].” WALLACE stated, “Hell no. I ain't done moving around [selling off the heroin that RIVERA fronted to WALLACE on March 12] yet.” RIVERA later asked if WALLACE “had someone who wanted it [the heroin fronted on March 12].” WALLACE stated, “Yeah, but I have to run that [heroin] to them [heroin buyers] but they're from out of town.”

166. On or about March 15, 2012, at approximately 10:33 a.m. [TP4 Session #295], RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, RIVERA stated, “Shit, man, I got the girls [heroin] waiting for you, man.” WALLACE asked, “Who?” RIVERA responded, “That one bitch, the fine ass body, the grey eyes [one kilogram of heroin].” WALLACE stated, “I'm trying to get on top of everything [line up heroin buyers] right now” and “I'm just trying to get it [potential heroin sales] in order man.” RIVERA stated, “Alright, alright.” RIVERA later stated, “Well if you need this [heroin] in your hand, man, I can just go put it [the heroin] over there [at WALLACE's location], you know what I mean?” WALLACE stated, “Alright.” The two men then made arrangements to speak later that day.

167. At approximately 5:28 p.m. [TP4 Session #306], RIVERA, who was using

Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, WALLACE stated, “You can slide down on me [come to WALLACE's location].” RIVERA stated, “Alright. Hey, should I take ol' girl [heroin] with me?” WALLACE stated, “You wanna' bring one [one kilogram of heroin], you said?” RIVERA asked, “You want me to bring her [heroin]?” WALLACE stated, “Yeah, you can so I can take a look, see what it do [inspect heroin quality].” RIVERA stated, “Alright, it do [heroin is good quality], man. It do what it do.” WALLACE stated, “Okay, bring it [one kilogram of heroin].”

168. At approximately 8:59 p.m. [TP4 Session #311], RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, WALLACE stated, “I'm home.” RIVERA asked, “You want me to come through [to Wallace Residence 1] then?” WALLACE stated, “Yep.” RIVERA stated, “Alright.” Based this intercepted call and the calls and texts intercepted both before and after this call, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA met with WALLACE at Wallace Residence 1 that night and fronted WALLACE one kilogram of heroin.

169. On or about March 16, 2012, at approximately 6:24 p.m. [TP4 Session #322], RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call:

a. WALLACE stated, “About to go outside and show off [sell] this new car [one kilogram of heroin].” WALLACE later stated, “I'm talking about that car [one

kilogram of heroin] you gave me. I'm going to show it off [sell heroin] just now.”

b. RIVERA asked, “What are you gonna' do [to sell the heroin that RIVERA fronted], man?” WALLACE stated, “If you get to calling me like that [checking in on WALLACE's progress in selling the fronted heroin], you can come back and get this [one kilogram of heroin], man. I ain't on that.” WALLACE continued, “You wanna' come on back and get it [one kilogram of heroin that RIVERA fronted], you can. I'm showin' the car [one kilogram of heroin] right now.”

c. RIVERA later stated, “Hit me back, bro [to update him on WALLACE's progress in selling the fronted heroin].” WALLACE responded, “I mean, goddamn. You can come back over here [and take back the fronted heroin], man. I ain't trippin', man. Either way, you can't be doing it like that [checking up on WALLACE's progress in selling the fronted heroin]. You came and seen me [fronted the kilogram of heroin to WALLACE] yesterday, god damn.” RIVERA stated, “I know, but you had the other one [March 12 shipment of fronted heroin] for fuckin' four days already, man.”

170. On or about March 17, 2012, at approximately 4:44 p.m. [TP4 Session #342], RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, RIVERA stated, "I just needed somethin' [a quantity of heroin] out of there [the shipment of heroin that RIVERA fronted WALLACE on March 15]." WALLACE asked, "Like what?" RIVERA responded, "250 [grams of heroin]." RIVERA later stated, "250 [grams of heroin] and a buck [100 grams of heroin], and another buck on the side." WALLACE asked, “So, it'll be what? Five [500 grams of heroin]

altogether?” RIVERA stated, “Nah, 350 [grams of heroin].” WALLACE stated, “350 [grams of heroin]? Okay. How long 'til you come [to meet with WALLACE]?” RIVERA and WALLACE then arranged to speak later that day.

171. Based on the intercepted calls summarized above, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) between March 12 and 15, RIVERA gave WALLACE over one kilogram of heroin on credit; (b) on or about March 17, 2012, RIVERA asked WALLACE to give back 350 grams of the heroin that RIVERA had previously fronted to him, so that RIVERA could sell the heroin to other customers; and (c) as of the morning of March 17, 2012, WALLACE still had at least 500 grams of heroin in his possession.

c. RIVERA Collects Narcotics Cash Proceeds from WALLACE (March 27, 2012).

172. On or about March 18, 2012, at approximately 1:35 p.m. [TP4 Session #364], RIVERA, who was using Target Phone 4, had a conversation with WALLACE, who was using Wallace Phone 2. During this call, RIVERA asked, “You still struggling [trying to sell heroin supplied by RIVERA] or what?” WALLACE responded, “I’m just going, we’re doing what we do [trying to sell heroin]. You know what I’m saying?” RIVERA asked, “You ain’t got no information [narcotics cash proceeds] right now though, right?” WALLACE stated, “Uh, no, hell nah. I’m gonna’ put something [narcotics cash proceeds] together for your today. Today, a little later than tomorrow.” RIVERA stated, “Yeah, ‘cause my guy [HERNANDEZ] was calling me about that [repayment for the two kilograms of

heroin delivered on March 8] but I think I'm just gonna' blow him off until tomorrow, man."

173. On or about March 21, 2012, between approximately 1:20 p.m. and 1:21 p.m. [TP1 Session ##12105, 12106, and 12107], RIVERA, who was using Target Phone 1, exchanged text messages with WALLACE, who was using Wallace Phone 1. In this exchange, RIVERA stated, "Hit me up [give me a call]!" WALLACE responded, "Got u [ready to repay for heroin] today[.] bout to get a line [sell heroin]." RIVERA stated, "Cool."

174. On or about March 22, 2012, at approximately 11:20 a.m. [TP1 Session #12233], RIVERA, who was using Target Phone 1, had a conversation with WALLACE, who was using Wallace Phone 1. During this call, WALLACE stated, "I'll be getting it [narcotics cash proceeds] together for you. That what I was doing yesterday and today. I got something [narcotics cash proceeds] together. You know what I mean?" RIVERA and WALLACE agreed to speak later.

175. On or about March 27, 2012, at approximately 1:16 p.m. [TP1 Session #13126], RIVERA, who was using Target Phone 1, had a conversation with WALLACE, who was using Wallace Phone 1. During this call, WALLACE asked, "Where you go, bro?" RIVERA responded, "I'm right here by my sister's, man, you there?" WALLACE stated, "Ah, let me run by my man's crib [drug associate's residence], see what [narcotics cash proceeds] he's got together real quick. I'll be back in like ten minutes, ten minutes." RIVERA stated, "All right, cool." Based on this intercepted call, the calls intercepted both before and after this call, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that WALLACE was telling RIVERA that he

(WALLACE) planned to meet with a drug associate to collect narcotics cash proceeds, which WALLACE would in turn give to RIVERA.

176. At approximately 1:56 p.m., [TP1 Session #13141], RIVERA, who was using Target Phone 1, had a conversation with WALLACE, who was Wallace Phone 1. During this call, WALLACE stated, “Yeah, you can come on [over to Wallace Residence 1].” RIVERA responded, “Alright, I’m on my way.” At approximately the same time, surveillance observed a gold Volvo arrive at Wallace Residence 1 and WALLACE exit the vehicle.

177. At approximately 2:04 p.m., surveillance observed RIVERA arrive at Wallace Residence 1. Based on this surveillance, the calls and texts intercepted both before and after this surveillance, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA met with WALLACE at Wallace Residence 1 to collect money for the heroin that RIVERA had previously fronted to WALLACE on March 12 and 15, 2012.

6. RIVERA Distributes at least 100 Grams of Heroin to NUNEZ.

178. On or about March 8, 2012, at approximately 6:13 p.m. [TP1 Session #10062]—approximately six hours after he obtained two kilograms of heroin from RIOS—RIVERA, who was using Target Phone 1, sent a text message to NUNEZ,¹⁹ who was

¹⁹ The identification of NUNEZ and NUNEZ’s voice in this Affidavit is based on the following: On or about January 31, 2012 [TP1 Session 6752], RIVERA, who was using Target Phone 1, had a conversation with an individual who was using Nunez Phone 1. During this call, the user of Nunez Phone 1 identified himself as “FRIDGE” and stated “14th and Ridgeland, that’s where I live at.” According to a law enforcement database that tracks the biographical information of

using Nunez Phone 1. In this text message, RIVERA stated, “Call me. I’m ready [to sell heroin].”

179. On or about March 16, 2012, at approximately 3:05 p.m. [TP1 Session #11294], RIVERA, who was using Target Phone 1, had a conversation with NUNEZ, who was using Nunez Phone 1. During this call:

a. NUNEZ stated, “I could give you half on a *nina* [one half the purchase price on a quantity of heroin] right now, if you could bring it [heroin] to my crib. Trust me, I’ll make it happen [sell heroin] for you, bro.” RIVERA stated, “Alright. Let me get my stuff [heroin] together.” NUNEZ stated, “You know what? I’ll call you back tomorrow [after selling heroin fronted today] and get another one [a second quantity of heroin].”

b. RIVERA stated, “I’m a shoot out to you in a couple hours. I’m going to bring you some [heroin] so you can check it out, bro.” NUNEZ stated, “Just bring me a little square *cuartito* [“little fourth,” meaning 250 grams of heroin] ‘cause you know I’m going to make it happen with it [sell heroin].” RIVERA stated, “Just keep your phone on,

arrestees listed in arrest records, “FRIDGE” is an alias of an individual named “WILLIAM NUNEZ,” who was born on October 5, 1976. According to records maintained by the Illinois SOS, NUNEZ’s Illinois driver’s license lists the same date of birth and a home address at 1339 Ridgeland in Berwyn, Illinois—near the intersection of Ridgeland and 14th (“Nunez Residence 1”). On or about March 20, 2012, surveillance observed RIVERA meet with a man outside Nunez Residence 1. Agents who conducted surveillance of the March 20 meeting at Nunez Residence 1 viewed a CPD booking photograph of NUNEZ and determined that the man depicted in the photograph (NUNEZ) was the same man who met with RIVERA at Nunez Residence 1 on March 20, 2012. Based on this information, agents determined that NUNEZ is also known as “FRIDGE” and was the user of Nunez Phone 1. Agents performed a voice comparison of subsequent calls intercepted over Nunez Phone 2, to earlier intercepted calls between RIVERA and NUNEZ over Nunez Phone 1. Based on this comparison, agents determined that the same man—NUNEZ—was using both phones.

nigga', 'cause I'll see you in a couple of hours. . . . I'll come see you."

180. At approximately 3:39 p.m. [TP1 Session # 11303], RIVERA, who was using Target Phone 1, received a text message from NUNEZ, who was using Nunez Phone 1. In this text message, NUNEZ stated, "[H]ope u cum halr [holler] at me[.] i could move both sides [heroin and cocaine] i got 2 make it. More than welcome 2 cum by my crib whn ever."

181. On or about March 17, 2012, at approximately 10:12 p.m. [TP1 Session #11602], RIVERA, who was using Target Phone 1, had a conversation with NUNEZ, who was using Nunez Phone 1. During this call, NUNEZ stated, "Give me some good news [tell me you have heroin for sale]." RIVERA stated, "I'm good [have heroin available for sale], my nigga'. But you know I just haven't been able to cut out there [travel near NUNEZ's residence], man." NUNEZ stated, "I need a holla' at you, dog, on some serious shit [discuss the purchase of heroin]. That's why I wanted you to come to my crib like that." NUNEZ later stated, "I'm not playing with you, though, man. D [Damian], I need you to come through for [sell heroin to] me, though. For real, though." RIVERA and NUNEZ then made arrangements to meet near the intersection of 79th Street and Harlem, near RIVERA Residence B.

182. In four separate phone calls, at approximately 10:40 p.m., 10:57 p.m., 11:00 p.m., and 11:04 p.m. [TP1 Session ## 11603, 11605, 11607, 11609], RIVERA, who was using Target Phone 1, gave NUNEZ, who was using Nunez Phone 1, directions to the 7800 block of Normandy Avenue, near Rivera Residence B. At approximately 11:04 p.m. [TP1 Session #11609], NUNEZ asked, "Where are you at, D [Damian]?" RIVERA responded,

“Just park right there, my nigga’. I’m like three blocks away [from the 7800 block of Normandy Avenue], bro. Give me a minute. You’ll see me turning right now.” Based on this call, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) soon after this call, RIVERA and NUNEZ met each other on the 7800 block of Normandy Avenue, at or near Rivera Residence B; and (b) during this meeting, RIVERA fronted at least 100 grams of heroin to NUNEZ.

183. On or about March 18, 2012, at approximately 6:52 p.m. [TP1 Session #11765], RIVERA, who was using Target Phone 1, had a conversation with NUNEZ, who was using Nunez Phone 1. During this call:

a. NUNEZ stated, “I’m gonna’ see what I can do to see what [money] I can give you ‘cause I still owe my other guy [narcotics supplier]. I’m gonna’ give you [money] for what [the heroin] you gave me [on March 17, 2012], alright?” RIVERA responded, “Alright, cool.”

b. NUNEZ stated, “I just wanted to let you know, I need to get ready again [NUNEZ needs a resupply of heroin].” RIVERA responded, “Alright, nigga’. Sounds good.” NUNEZ stated, “I just wanted to give you a heads up. Hey, you ain’t getting ready on [a shipment of] the other side [cocaine] anytime soon, right?” RIVERA stated, “They [RIVERA’s narcotics supplier] just called me today and they told me [a shipment of cocaine would be available] in a couple of days. But you know how that shit goes.” NUNEZ then asked, “Hey, you can’t get the smokey-smoke [marijuana] either?” RIVERA responded,

“Yeah, bro. I’ll talk to you a little bit better [engage in a more explicit conversation] about that [the availability of narcotics] when I see you again.”

184. On or about March 19, 2012, at approximately 2:49 p.m. [TP1 Session #11850], RIVERA, who was using Target Phone 1, had a conversation with NUNEZ, who was using Nunez Phone 2. During this call:

a. NUNEZ stated, “I got that [money to pay for the 100 grams of heroin that NUNEZ obtained on March 17] for you already. I wanted to see what [additional heroin deal] we can do today because I need to send dude [a drug associate] back out there [to sell more heroin].” RIVERA stated, “Alright.” NUNEZ stated, “I already took care of my guy [repaid another drug supplier for a drug debt], already. Remember what I told you? I took care of [repaid] him so I’m done with him already, you know? I wanna’ see what, what [heroin deal] we can handle.” RIVERA stated, “Alright.”

b. NUNEZ stated, “Man, I’ll take care of my business [selling heroin], bro. I got, I got like, I have like, like three bucks [\$3,000, the approximate market value of 50 grams of heroin] on my part, you know. So that, I still got the 50 [grams of heroin], but I’m giving the 50 [grams of heroin], I gave [fronted] the 50 [grams of heroin] to somebody else.” RIVERA stated, “Right.” NUNEZ stated, “Whatever [heroin] you could look out for [provide on credit to] me, 'cause, man, I gotta' send dude [drug associate] back out there [to sell heroin], man.”

c. RIVERA stated, “Right away, I got, like, a buck-fifty [150 grams of heroin]. You wanna' take that?” NUNEZ stated, “You ain’t got a little more [than 150 grams

of heroin]? So I can send him [drug associate] out there [to sell heroin].” RIVERA responded, “You know what? I do [have more than 150 grams of heroin], bro, but I have to go a little further to go grab it [the heroin was stored somewhere other than Rivera Residence B], you know what I mean?” NUNEZ stated, “I’ll swing over there [Rivera Residence B] later on, you know. Whenever you got it [heroin in excess of 150 grams], you know, it ain’t no problem [NUNEZ is ready to sell the heroin].” RIVERA stated, “Cool. We’ll do that [heroin deal]. Cool. . . . Let me go grab that [heroin]. I’m a bring some a little closer [to RIVERA], and then, you know?” NUNEZ responded, “Okay.”

185. Based on the intercepted calls discussed above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) on or about March 17, 2012, RIVERA gave NUNEZ at least 100 grams of heroin; and (b) during this March 19 call, NUNEZ advised RIVERA that he (i) had sold 50 grams of that heroin for approximately \$3,000 (the approximate market value of 50 grams of heroin); (ii) had delivered or promised to deliver the remaining 50 grams of that heroin to another individual; and (iii) agreed to obtain more than 150 grams of heroin from RIVERA to sell to other customers.

186. On or about March 20, 2012, at approximately 12:57 p.m., surveillance observed Rivera Vehicle 2 parked near Nunez Residence 1. At approximately 1:17 p.m., surveillance observed RIVERA talking with NUNEZ outside Nunez Residence 1. At approximately 1:18 p.m., RIVERA entered Rivera Vehicle 2 and drove away.

187. On or about March 31, 2012, at approximately 5:01 p.m. [TP5 Session #5],

RIVERA, who was using Target Phone 5, had a conversation with NUNEZ, who was using Nunez Phone 2. During this call, NUNEZ stated, “Yeah, I got that [money from the sale of fronted heroin] for you, alright?” RIVERA stated, “Alright, cool, man.” NUNEZ stated, “I’m pissed off, because what [the quantity of heroin] my guy [drug associate] took down there, he’s done [selling] already.” RIVERA stated, “Okay.” NUNEZ stated, “He’s already done. So, I got, I’m trying to send him back out there [to sell more heroin] tonight.” Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that NUNEZ in this call was telling RIVERA that (a) NUNEZ’s drug associate had, at the direction of NUNEZ, sold a quantity of heroin that RIVERA had previously fronted to NUNEZ; (b) NUNEZ was ready to deliver proceeds of that heroin sale to RIVERA; and (c) NUNEZ had instructed that drug associate to continue selling more of that heroin.

188. On or about April 2, 2012, at approximately 3:28 p.m. [TP5 Session #22], RIVERA, who was using Target Phone 5, had a conversation with NUNEZ, who was using Nunez Phone 2. During this call, NUNEZ stated, “Hey, that’s [proceeds from heroin] there for you.” RIVERA later stated, “Give me about a hour-half, nigga’. I’ll take a spin over there by you [to pick up the proceeds from heroin sold by NUNEZ and his associates].”

189. At approximately 5:28 p.m. [TP5 Session #26], RIVERA, who was using Target Phone 5, had a conversation with NUNEZ, who was using Nunez Phone 2. During this call, RIVERA stated, “I’m on my way out there [to meet NUNEZ]. I’ll be there like in twenty minutes.”

190. Approximately one minute after RIVERA ended the prior call with NUNEZ—at approximately 5:31 p.m. [TP5 Session ##29 and 30]—RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. As discussed in further detail below, during this call, RIVERA made arrangements to deliver money to ARIAS as partial repayment for the two kilograms of heroin he obtained through HERNANDEZ on March 8, 2012. During this call, RIVERA stated, “Right now, I’m collecting more papers [money] so that I’m able to deliver something later on in the evening.” RIVERA stated, “I’m collecting [money] right now.”

191. At approximately 5:46 p.m., GPS ping data for Target Phone 1 indicated that Target Phone 1 was at Nunez Residence 1. At approximately 5:57 p.m., GPS ping data indicated that RIVERA’s phone was at Nunez Residence 1. At approximately 6:05 p.m., surveillance observed NUNEZ standing outside Nunez Residence 1, but did not see RIVERA or any of RIVERA's known vehicles.

192. Based on this surveillance, GPS ping data, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) at approximately 5:51 p.m., RIVERA met with NUNEZ at Nunez Residence 1; (b) during this meeting, NUNEZ gave RIVERA money that NUNEZ and his associates obtained from the sale of heroin that RIVERA previously fronted to NUNEZ; and (c) as discussed in further detail below, later that night, RIVERA gave all or part of the money that he collected from NUNEZ to ARIAS as partial repayment for the two kilograms of heroin that RIVERA obtained on March 8, 2012.

J. RIVERA Begins to Repay HERNANDEZ and HERNANDEZ's Associates for the Two Kilograms of Heroin that RIVERA Obtained on March 8, 2012.

1. HERNANDEZ, Individual S, TREVINO, and HERNANDEZ's Associates Seek Repayment for the Two Kilograms of Heroin.

193. On or about March 10, 2012, at approximately 2:55 p.m. [TP1 Session #10480], RIVERA, who was using Target Phone 1, received an incoming text from HERNANDEZ, who was using Hernandez Phone 2. "Cousin when you have time call me so I know how much \$\$\$ you have [HERNANDEZ wanted to know how much money RIVERA had collected from the sale of the two kilograms of heroin that RIOS had fronted RIVERA on March 8, 2012]."

194. On or about March 10, 2012, at approximately 5:48 p.m. [TP1 Session #10494], RIVERA, who was using Target Phone 1, received an incoming text from HERNANDEZ, who was using Hernandez Phone 2, stating, "Cousin, call me to know how much [money from the sale of the two kilograms of heroin fronted to RIVERA on March 8, 2012] you have, the man [narcotics supplier] is calling me, and to give us two more animals [kilograms of heroin]."

195. On or about March 10, 2012, at approximately 6:30 p.m. [TP1 Session #10495], RIVERA, who was using Target Phone 1, received an incoming text from HERNANDEZ, who was using Hernandez Phone 2, stating, "Cousin, I'll leave you in charge for one animal [kilogram of heroin], so we won't let this man down [fail to repay the narcotics supplier for the two kilograms of heroin fronted to RIVERA on March 8, 2012],

please call me.”

196. On or about March 11, 2012, at approximately 2:06 p.m. [TP1 Session #10528], RIVERA, who was using Target Phone 1, received an incoming text from HERNANDEZ, who was using Hernandez Phone 2. HERNANDEZ stated, “Cousin, call me at the radio [via push-to-talk on Target Phone 4] to know how much you have [money from the sale of the two kilograms of heroin fronted to RIVERA on March 8, 2012] because the man [source of supply] is calling me, so we don't let him down [fail to repay for the two kilograms of heroin]. Be sure to answer the radio [Target Phone 4].”

197. On or about March 13, 2012, at approximately 8:46 p.m. [TP1 Session #10770], RIVERA, who was using Target Phone 1, received a voicemail from HERNANDEZ, who was using Hernandez Phone 2. During the message, HERNANDEZ stated, “I ask you please answer me or answer them because we agreed to give him [money] for one [kilogram of heroin the day after it was fronted], and you're not answering [Target Phone 1 or Target Phone 4]. This man [narcotics supplier] is pissed off.”

198. On or about March 14, 2012, at approximately 7:53 p.m. [TP1 Session #10899], RIVERA, who was using Target Phone 1, received a voicemail from HERNANDEZ, who was using Hernandez Phone 2. During the message, HERNANDEZ stated, “Cousin, hopefully you called these guys [narcotics suppliers] because they are yelling at me, and we are looking very bad [for not paying for the two kilograms of heroin fronted to RIVERA on March 8, 2012]. Could you please call them cousin? And call me because you disappear.”

199. On or about March 17, 2012, at approximately 11:47 p.m. [TP1 Session #11617], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call:

a. Individual S stated, “TONO [Hernandez] is calling me, and he told me to tell you to call him. but I told him, ‘No, I don’t know what’s going on or anything [about RIVERA attempts to sell the March 8 heroin].” RIVERA asked, “You didn’t tell him [HERNANDEZ] that you had seen me, right man?” Individual S responded, “No, I told him ‘no.’ . . . He just told me that if I had your number, to call you. And I told him, ‘No, well, I don’t know what’s going on or anything.’”

b. RIVERA stated, “Say, ‘No, I haven’t seen him [RIVERA],’ bro. If he tell you, tell him [HERNANDEZ], ‘No, I haven’t seen him [RIVERA].’” Individual S stated, “Yeah, yeah. I know. I already told him that I haven’t seen you or anything.”

c. RIVERA stated, “No, everything’s fine [regarding sale of two kilograms of heroin delivered on March 8]. It’s just, is that he [HERNANDEZ] wanted everything [proceeds from the sale of two kilograms of heroin] real fast, and I thought, ‘No, well, it’s better if he waits.’ So I won’t be struggling. So I’m not bothered with him on the fucking phone all fucking day. right now I’m not charging, but one I get everything [proceeds from the sale of two kilograms of heroin] together, well, then I’ll call they guy [HERNANDEZ].”

d. Individual S stated, “Yeah, that’s why I told him that I didn’t know what was up with you, that I hadn’t seen you. I told him the one that I have seen is LALO

[TREVINO²⁰], but I don't know what's up with him. . . . And he [HERNANDEZ] told me, 'Hey, dude, tell him to call me' and who knows what. I told him, 'You know what? To tell you the truth, you [HERNANDEZ] call him [RIVERA]. I don't know what has happened between you and him, right?'" RIVERA stated, "Now he [HERNANDEZ] is bugging and bugging me. . . . Well, I'll just ignore him until I have everything [proceeds from the sale of two kilograms of heroin]. I'll call him and say, 'All set, cousin. See you later.'"

e. Individual S stated, "And he [HERNANDEZ] told me, I'll tell you the truth, look, buddy, I work [sell heroin] with you [RIVERA]. That's your [HERNANDEZ's] problem. Because he [HERNANDEZ] gave me another number [RIVERA obtained the two kilograms of heroin for less than what RIVERA told Individual S]. But I told him [HERNANDEZ], 'No, you know what? I'll work [sell heroin].' Well, I'll work with you [RIVERA]. I mean, and the problems are between you guys [RIVERA and HERNANDEZ], right? Because he told me that the work [heroin], that he [HERNANDEZ] had a lower number [HERNANDEZ gave the heroin to RIVERA at a purchase price lower than the price

²⁰ The identification of TREVINO (a/k/a/ "LALO") and TREVINO's voice in this Affidavit is based on the following: On or about February 17, 2012 [TP1 Session 8226], RIVERA, who was using Target Phone 1, had a conversation with a man whom RIVERA referred to as "LALO," who was using Trevino Phone 1. In two calls intercepted over Target Phone 1 on or about May 11, 2012 [TP1 Session ##18527 and 18540], RIVERA and "LALO" arranged to meet at an auto parts store on 60th and Harlem Streets in Chicago. Surveillance observed a car registered to HILARIO TREVINO ("Trevino Vehicle 1") arrive at that location later that day. Surveillance then observed three individuals (two men and a child) exit the car and met with RIVERA. Agents subsequently obtained TREVINO's Illinois driver's licence photo, and based on a comparison of that photo, determined that TREVINO was the driver of Trevino Vehicle 1. According to criminal history reports compiled from law enforcement databases, "LALO" is a known alias of TREVINO. Based on this information, agents determined that TREVINO is also known as "LALO" and was the user of Trevino Phone 1.

that RIVERA told Individual S]. And if I was an asshole, well fuck it, I'd get more money [a greater share of the profits from the resale of the two kilograms of heroin]. But I told him, 'You know what? Talk to him [RIVERA]. Don't tell me anything and shit.'"

f. RIVERA stated, "I think I'll call him [HERNANDEZ] tomorrow because I have more than half [of the proceeds from the sale of two kilograms of heroin] there."

200. On or about March 18, 2012, at approximately 12:57 p.m. [TP1 Session #11656], RIVERA, who was using Target Phone 1, received a voicemail from HERNANDEZ, who was using Hernandez Phone 2. In this message, HERNANDEZ stated, "If you have already complete [sold] for *un carrito* ["one small car," meaning one kilogram of heroin], so we can give money to this man [heroin supplier], *primo*. Because this man [supplier] is fuckin' pissed off over here with me. Um, it's not necessary to get rid of [sell] both of them [two kilograms of heroin] at once as long as you get rid of one [kilogram of heroin] in the meantime so we can give him money. Because this man is constantly asking me. It's already been more than one week [since the March 8 delivery of heroin] and we haven't given any money at all. . . . Call me later, *primo*, please."

201. On or about March 18, 2012, at approximately 4:44 p.m. [TP1 Session #11739], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call, Individual S stated, "That guy [HERNANDEZ] is calling me [regarding the collection of the proceeds from the sale of the two kilograms of heroin]. The guy, the brother-in-law of the guy from *el ojo* ["the eye,"

meaning HERNANDEZ].” RIVERA stated, “Don’t answer him anymore.” Individual S stated, “The jerk [HERNANDEZ] was calling me. and I said, ‘I don’t know about your problems. You take care of your problems with him [RIVERA].’ Because he told me that you are missing.”

202. On or about March 18, 2012, at approximately 5:40 p.m. [TP1 Session #11747], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call, Individual S stated, “That fucker [HERNANDEZ] is calling me.” RIVERA responded, “Well, he can call you, bro.” Individual S stated, “I’m not going to answer him anymore.” RIVERA stated, “No, well I’m going to see him [pay him for the two kilograms of heroin] tomorrow anyways, bro.”

203. On or about March 22, 2012, at approximately 10:16 a.m. [TP1 Session #12202], RIVERA, who was using Target Phone 1, received a text message from HERNANDEZ, who was using Hernandez Phone 2. During the message, HERNANDEZ stated, “Cousin, I’m asking you to do me a favor and please give money [repayment for the two kilograms of heroin fronted to RIVERA on March 8, 2012] today. I haven’t let you down. Do me that favor so we don’t let these people [heroin suppliers] down.”

204. On or about March 22, 2012, at approximately 11:00 a.m. [TP1 Session #12223], RIVERA, who was using Target Phone 1, received a voicemail from TREVINO, who was using Trevino Phone 1. During the message, TREVINO stated, “That guy [HERNANDEZ] is calling and calling over here. Give him a call back to see what’s up [regarding repayment of for the two kilograms of heroin fronted to RIVERA on March 8,

2012 (see ¶¶ 298-302, 365-66, below)].”

205. On or about March 28, 2012, at approximately 1:49 p.m. [TP1 Session # 13333], RIVERA, who was using Target Phone 1, had a conversation with Individual S, who was using Individual S Phone 1. During this call, Individual S stated, “That guy [HERNANDEZ] sent me a text and he sent me a number of that guy that is here [ARIAS] so that you can talk to him because that guy [HERNANDEZ] is already crying. It’s the radio number of a man [ARIAS] that is here by Archer and Keeler [intersection near Arias Residence 1], around there.” RIVERA stated, “Don’t worry about that right now.”

206. On or about March 30, 2012, at approximately 4:04 p.m. and 4:08 p.m. [TP1 Session #13782], RIVERA, who was using Target Phone 1, received two text messages from Individual S, who was using Individual S Phone 1. In the first message, Individual S wrote, “Here is LOLO’s [ARIAS’s] number 773 367 8253.” In the second message, Individual S wrote, “773 367 8653 [Arias Phone 2] This is the number [for Arias] not the other one.”

2. RIVERA Gives ARIAS \$20,000 as Partial Repayment for the Two Kilograms of Heroin (April 2, 2012).

207. On or about April 2, 2012, at approximately 8:33 a.m. [TP1 Session #14004], RIVERA, who was using Target Phone 1, received a voicemail from TREVINO, who was using Trevino Phone 1. During the message, TREVINO stated, “Hey, man. Let’s see if you talk to fucking TONO [HERNANDEZ], man. They [HERNANDEZ and the heroin suppliers] are calling and calling me, bro. And some fucking guy came to see me too, man. So talk to them [regarding repayment for the two kilograms of heroin fronted to RIVERA on

March 8, 2012], bro.”

208. On or about April 2, 2012, at approximately 3:16 p.m. [TP1 Session #14044], RIVERA, who was using Target Phone 1, had a conversation with ARIAS, who was using Individual S Phone 1. During this call, ARIAS stated, “Hello. This is LOLO [ARIAS], dude.” RIVERA asked, “Who is this?” The call then disconnected. Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that ARIAS used Individual S Phone 1 to contact RIVERA because ARIAS was responsible for collecting repayment for the two kilograms of heroin that RIVERA obtained on March 8, 2012, and RIVERA had previously failed to answer calls from HERNANDEZ, ARIAS, TREVINO, and other associates of the heroin supplier.

209. At approximately 3:34 p.m. [TP5 Session #23], RIVERA, who was using Target Phone 5, had a conversation with Individual S, who was using Individual S Phone 1. During this call:

a. RIVERA stated, “Son of a bitch. Fucking asshole. You really crossed the line, man [RIVERA was upset with Individual S for allowing ARIAS to use Individual S Phone 1 to contact RIVERA].” RIVERA asked, “Did you talk to this dude [ARIAS]?”

b. Individual S responded, “He’s [ARIAS is] right here. Me and LALO [TREVINO] were right here and then some dudes [associates of the supplier of the March 8 heroin] came by with this dude [ARIAS]. LALO [TREVINO] is right here with me. . . . I came here with LALO [TREVINO]. I saw him here and he was here with ‘*La Loca*’ and

I stopped here to sit here with him and the assholes came by here. They came, that asshole [supplier of the March 8 heroin] sent him to look for LALO [TREVINO] to see if he could talk to you because I guess they took [kidnapped] that fucker [HERNANDEZ] and who knows what. . . . They already took that guy [HERNANDEZ]. . . . And this man came by here with some people. LALO [TREVINO] and I were here. They dropped in on LALO [TREVINO] at his house. Those assholes don't know where I live. The guy was here. They are here. They're waiting to see if you answer him [HERNANDEZ]." RIVERA stated, "What the fuck."

c. Individual S stated, "I also got fucking scared. I don't even know the little old man, that LOLO [ARIAS] guy. . . . I don't even know him [ARIAS]. LALO said, 'Look man, TONO's [HERNANDEZ's] guys already arrived.' I said, 'What the fuck? Who are they?' 'That little old man is LOLO [ARIAS].'" RIVERA stated, "Son of a bitch. What an idiot." Individual S stated, "Yeah, well LALO [TREVINO] is here, too. He's also fucking scared. The assholes [associates of the supplier of the March 8 heroin] are here. And then I have my two little girls with me, and they got fucking scared." RIVERA stated, "Alright."

d. Individual S stated, "They're here. They said for you to send them whatever [narcotics cash proceeds] you have. As long as you give that jerk something because they have him [HERNANDEZ] by the balls now. They want to take his houses and who knows what else. . . . They said that not even with the store, all the cars he [HERNANDEZ] has, and the three houses he [HERNANDEZ] has, isn't enough to cover for

it [the two kilograms of heroin delivered on March 8]. That he is still short about ten to twenty bucks [\$10,000 to \$20,000].”

e. RIVERA stated, “I will call him [ARIAS] shortly.” Individual S stated, “No, you can call him [ARIAS] because the little old man [ARIAS] is also, he’s pale-looking [scared], man.” RIVERA stated, “When he answered me [on an earlier call], I said, ‘What’s up, man?’ He didn’t recognize me and he said, ‘Hey, it’s me, LOLO [ARIAS].’”

210. On or about April 2, 2012, at approximately 3:35 p.m. [TP1 Session #14060], HERNANDEZ sent a text message to RIVERA on Target Phone 1, stating, “Cousin do me a favor and call LOLO [ARIAS] so you can give him the invoices [money for the two kilograms of heroin that RIOS fronted to RIVERA on March 8, 2012].”

211. On or about April 2, 2012, at approximately 3:48 p.m. [TP1 Session 14063], HERNANDEZ sent a text message to RIVERA on Target Phone 1, stating, "Cousin do me favor these people [RIVERA's heroin suppliers] have detained me. They think we kept the money[.] Give the money [payment for heroin fronted on March 8, 2012] to LOLO [ARIAS] please do me that favor or call my radio.”

212. On or about April 2, 2012, at approximately 4:06 p.m. [TP5 Session #25], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ stated, “They [associates of RIVERA's heroin source of supply] got [kidnapped] me over here. These people think that I fucked them with the money. . . . You need to call me to let me know what's going on because these people have

me here. I have been leaving you messages. Why aren't you answering me? I've given you a hand and helped you out [by arranging for the sale of heroin on credit], so why do you leave me to deal with these fucking people over here? These people are on my fucking ass.”

b. RIVERA told HERNANDEZ that he “got some of the work [money from the sale of the heroin fronted on March 8]” but “the driver who was driving the money back in a secure truck [a vehicle with a hidden compartment (“trap”)] that we had, the thing is the dogs [police canine units] dropped in on him but they didn't find anything because its [the money's] well hidden. But he had seventy thousand dollars hidden in there. And I had them ready to deliver them [the money]. So I'm short seventy [\$70,000].”²¹

c. RIVERA continued, “We're still fighting to get the truck back. He [the driver] has court until the 17th of this month [April], and he got an attorney and all so that he can get the truck back because that's, he has that [\$70,000] hidden in there.” RIVERA continued, “What I'm going to be able to have for you is between 70 [\$70,000] or 80 [\$80,000], or maybe a little more. I know I will be able to get you more, but I will be about \$20,000 short. . . . As soon as I get the truck back, I will have another seventy [\$70,000] for you.”

d. HERNANDEZ stated, “How much can you take over to them? LOLO [ARIAS] is over there [in Chicago] and he's familiar with those guys [associates of the supplier of the March 8 heroin] over there. LOLO [ARIAS] is over at LALO's

²¹ Agents are not aware of any arrests or vehicle seizures meeting the description provided by RIVERA here.

[TREVINO's] house. . . . I told them [heroin suppliers], 'We've already done business [distributed heroin] with this guy [RIVERA].' And they said, 'Yeah, but he's had it [two kilograms of heroin delivered on March 8] for almost one month. And you told me you guys would have enough [money to pay] for one [kilogram of heroin] in one to three days.' . . . How much [money] do you think you can take to the house to LOLO [ARIAS]?"

e. RIVERA stated, "I'm going to go collect everything [money to repay drug debt] right now, and if you want me to go see them [ARIAS and the supplier's associates at TREVINO's residence], I can go talk to them right now." HERNANDEZ stated, "Let me tell them [the source of heroin supply] right now. They are going to call the people [the supplier's associates at TREVINO's residence] right now because they were going to go by, for LOLO [ARIAS] too because they saw that he was there, and they were also going to go with, for LALO [TREVINO] because they thought these guys were there too. Let me let them [suppliers] know so that they [the supplier's associates at TREVINO's residence] can leave LOLO [ARIAS] there with that guy [TREVINO] and LOLO [ARIAS] can wait there [Trevino's residence] for you at the house with LALO [TREVINO]. They're [suppliers are] going to call [U/I] so the other people [the supplier's associates at TREVINO's residence] can leave. LOLO [ARIAS] can wait there with LALO [TREVINO]. You already know which LALO [TREVINO]. . . . So how much do you think you will be giving this guy?"

f. RIVERA stated, "Let me see if this guy will come by immediately. If he comes by, I know that he has about thirty [\$30,000] and here I have nine [\$9,000], seven

[\$7,000], I would say about 45 or 50 *pesos* [\$45,000 or \$50,000].” HERNANDEZ later stated, “Look buddy, get me the money right now. As much as you can so you can give it to LALO [TREVINO], to LOLO [ARIAS]. The most that you possibly can.” HERNANDEZ stated, “Please take care of that [heroin debt] later. Collect as many tickets [money] as you possibly can and give them to LOLO [ARIAS]. He's [ARIAS'] going to be over there on that side [at TREVINO's residence].”

213. On or about April 2, 2012, at approximately 4:12 p.m. [TP1 Session #14069]—while RIVERA was speaking to HERNANDEZ in the call summarized in the preceding paragraph—RIVERA, who was using Target Phone 1, received a voicemail from TREVINO, who was using Trevino Phone 1. During the message, TREVINO stated, “Hey, dude. Come over here [to Trevino's residence] so I can talk with you [regarding repayment of for the two kilograms of heroin fronted to RIVERA on March 8, 2012], alright? You know what it's about, dude.”

214. At approximately 4:25 p.m. [TP1 Session #14075], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA stated, “You're going to laugh your ass off. They [heroin suppliers] got his buddy [HERNANDEZ] hemmed up [kidnapped] in Mexico.” FERNANDEZ asked, “What buddy?” RIVERA responded, “My guy [HERNANDEZ].” FERNANDEZ asked, “For what?” RIVERA responded, “They thought he [HERNANDEZ] was going to burn [fail to repay for the two kilograms of heroin from March 8] them. I said, ‘No, no.’ I gave them some long ass story. A little bit of time, or whatever. Yeah, I'm even

thinking about keeping like 50 grand [\$50,000] and just give them the Chevy [one of RIVERA's cars], cause you know I'm not going to get that bread for it [the car], you know what I mean? So I might as well take these 50 [\$50,000] and keep working [selling heroin] with it."

215. At approximately 5:31 p.m. [TP5 Session ##29 and 30], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call:

a. ARIAS stated, "You already talked to TONO [HERNANDEZ], right? He told me you were bringing me something [narcotics cash proceeds], but he didn't tell me what you're bringing." RIVERA stated, "Yeah, I told him I was going to be moving around right now because I have a car [one kilogram of heroin] sold. A car. A car, the Mercedes [heroin] that I had and this man was going to bring me the 30 or 40 *pesos* [\$30,000 or \$40,000]. Plus, I also has 10 to 15 [\$10,000 to \$15,000] stored [collected] from the other one [the second of two kilograms of heroin delivered on March 8]."

b. RIVERA stated, "Right now, I'm collecting more papers [money] so that I'm able to deliver something later on in the evening." ARIAS stated, "Well, I'm at LALO's [TREVINO's] house. I'm here waiting for you. . . . Around what time will you arrive?" RIVERA responded, "I have to go past Joliet . . . , so about three to four hours."

c. ARIAS asked, "What else did you tell TONO [HERNANDEZ] you were going to bring?" RIVERA responded, "I'm collecting [money] right now. I would like to say about 40 or 50 [\$40,000 or \$50,000], at the least. Maybe a little more."

216. As discussed in paragraphs 188 to 192 above, I believe that sometime between approximately 5:51 p.m. and 6:05 p.m. on April 2, 2012, RIVERA met with NUNEZ at Nunez Residence 1 to collect narcotics cash proceeds from the heroin that RIVERA previously fronted to NUNEZ.

217. At approximately 6:58 p.m., surveillance observed RIVERA and FERNANDEZ arrive at Wallace Residence 1 in a Chevy Tahoe, exit the vehicle, and enter the residence. At approximately 7:34 p.m., surveillance observed RIVERA and FERNANDEZ exit Wallace Residence 1 and depart in the Chevy Tahoe. Based on this surveillance, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) RIVERA and FERNANDEZ met with WALLACE inside Wallace Residence 1; and (b) during this meeting, WALLACE gave RIVERA narcotics cash proceeds from the over one kilogram of heroin that RIVERA fronted to WALLACE on or about March 12 and 15, 2012 (*see* ¶¶ 159-71, above).

218. At approximately 8:43 p.m. [TP5 Session #40], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, ARIAS stated, “What’s going on, buddy? Listen, those people [associated of the supplier of the March 8 heroin] are calling me and they told me that they’re coming right now, but they don’t want to leave empty-handed [without narcotics cash proceeds]. About what time will you come by?” RIVERA stated, “I just picked up 20 [\$20,000]. I have 20 [\$20,000] here. I’m going to stop by to drop them off to you because I have to go out to the

North side. I will come by now and drop this [\$20,000] off in the meantime and I am going to the North side to pick up some more papers [money], and they [drug associates] already promised me another 30 [\$30,000] for tomorrow. Let me take this to you right now. I will be there very soon.” ARIAS stated, “Alright, sounds good, buddy.”

219. At approximately 9:28 p.m. [TP5 Session #41], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, RIVERA stated, “I’m here in front.” ARIAS stated, “I’m coming buddy.” At approximately the same time, surveillance observed a male, believed to be ARIAS, exit Arias Residence 1, enter Rivera Vehicle 2 for a few moments, then exit the vehicle and reenter the residence. Rivera Vehicle 1 then pulled away.

220. Based on this surveillance, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) on or about April 2, at approximately 9:28 p.m., RIVERA and FERNANDEZ met with ARIAS outside Arias Residence 1; and (b) during this meeting, RIVERA gave ARIAS approximately \$20,000 as partial repayment for the two kilograms of heroin that RIVERA received from RIOS on or about March 8, 2012.

221. At approximately 10:13 p.m. [TP5 Session #47], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “I already went to see LOLO [ARIAS]. I gave him 20 *pesos* [\$20,000] right now, and right now I went to the North side and have another six [\$6,000]. They [drug associates] promised me another 30 [\$30,000] for tomorrow.”

HERNANDEZ stated, “That’s good, buddy.”

3. RIVERA Gives ARIAS \$35,000 as Partial Repayment for the Two Kilograms of Heroin (April 5, 2012).

222. As discussed in further detail below, on or about April 5, 2012, RIVERA, at the direction of HERNANDEZ, delivered \$35,000 to ARIAS as partial repayment for the two kilograms of heroin that RIVERA obtained on March 8, 2012. RIVERA obtained at least \$24,000 of this \$35,000 from WALLACE, as partial repayment for the over one kilogram of heroin that RIVERA fronted WALLACE between March 12 and 15, 2012. Specifically, on or about April 5, 2012, WALLACE gave RIVERA at least \$14,000 cash and a Ford Expedition, which RIVERA later sold to UM 5492 for \$10,000.

a. RIVERA Arranges to Obtain a Truck and Narcotics Cash Proceeds from WALLACE to Repay Over \$30,000 for the Two Kilograms of Heroin.

223. On or about April 3, 2012, HERNANDEZ, who was using Hernandez Phone 2, sent two text messages to RIVERA, who was using Target Phone 1. At approximately 10:23 p.m. [TP1 Session #14254], HERNANDEZ stated, “Cousin were you able to get some of the cheap ones [cocaine] if not LOLO [ARIAS] is going to have some by tomorrow.” At approximately 10:24 p.m. [TP1 Session #14255], HERNANDEZ stated, “Please take care of the thirty [\$30,000 toward the heroin debt] for tomorrow so you can give them to LOLO [ARIAS] so we can give it to these people [heroin source of supply].”

224. At approximately 11:21 a.m. [TP5 Session #49], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3.

During this call, RIVERA asked, "Let me ask you about that truck, bro. The [Ford] Expedition. You still wanna' keep it or you wanna' get rid of it?" WALLACE responded, "Why? You got somebody that will buy it from me?" RIVERA stated, "Yeah." WALLACE stated, "Hell, yeah. Come get it." RIVERA stated, "Yeah, one of my guys [UM 5492], bump into him yesterday, he's, he's got something going on and I'm like 'I got it [a truck to sell], you know what I mean?" WALLACE later asked, "You can knock this off my tab [money WALLACE owes for the over one kilogram of heroin that RIVERA fronted on March 12 and 15], right?" WALLACE stated, "That's cool. Well, come on."

225. At approximately 11:24 a.m. [TP5 Session #52], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, "I talked to a guy over here and he was ready for one of those cars [kilograms] but one of the regular ones [cocaine]. I was wondering if you have two of the white ones [two kilograms of cocaine] to get rid of them immediately." HERNANDEZ responded, "Let me talk to the man [narcotics supplier] because he was fucking pissed yesterday. I already told him that last night they [ARIAS and the suppliers associates] picked up 20 [\$20,000] and I told him that we were giving him 30 [\$30,000] today."

226. At approximately 1:56 p.m. [TP5 Session #55], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, RIVERA asked, "You think you can bring that truck [Ford Expedition] over here to me?" WALLACE stated, "You want me to run it to you? I thought you was gonna'

come get this motherfucker.” RIVERA and WALLACE agreed to talk later.

227. At approximately 8:30 p.m. [TP5 Session #63], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE asked, “We might just get together in the morning, is that cool?” RIVERA stated, “I guess.” WALLACE stated, “I’m gonna’ drive that [Ford Expedition] out to you. You might need to drop me back off, though.” RIVERA stated, “That’s cool.”

228. On or about April 4, 2012, at approximately 11:08 a.m. [TP5 Session #76], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE stated, “On my way out West to try to go clear everything up [collect narcotics cash proceeds]. It’s supposed to be cleared up today.” RIVERA asked, “You bringing the truck [Ford Expedition]?” WALLACE stated, “I’m in the truck, driving, yeah.” RIVERA stated, “Alright, cool.” WALLACE stated, “Hey listen, after this one [the two kilograms of heroin] right here, I’m [U/I] C.O.D. [purchasing narcotics cash on delivery]. On the real.” RIVERA stated, “Cool, we could do that.”

229. At approximately 3:11 p.m. [TP5 Session #92], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. RIVERA stated, “That guy [WALLACE] called me this morning and he told me that he’s moving around and is collecting all the papers [money from heroin sales] that he has. I don’t know if he’s going to bring me another 40 or 50 [\$40,000 or \$50,000]

right now. Aside from that, I have another truck [Ford Expedition] that I have here and I also have that one [Ford Expedition] sold. They're going to get rid of that one for ten bucks [\$10,000]."

b. HERNANDEZ stated, "I told him [supplier of March 8 heroin] we were going to give him 20 [\$20,000], we already gave them to him [\$20,000 to ARIAS on April 2], and then I told him that tonight we're going to give him another 30 or 40 [\$30,000 or \$40,000]. . . . So tell me what time you're going to be ready and take the tickets over to LOLO [ARIAS]. . . . Tell me when you will be ready so I can tell LOLO [ARIAS] to be on standby."

c. RIVERA stated, "Alright. Let me get a hold of this guy [WALLACE] to see how much longer he is going to be [in collecting narcotics cash proceeds]. He's been out since this morning. He called me since 9 o'clock, telling me he was moving around [collecting narcotics cash proceeds] and he would see me right now. Right now, I'm moving around to get rid of that truck [Ford Expedition] to make that extra money and that's what I'm doing. Let me call him to see how he's doing. If he has 40 or 50 [\$40,000 or \$50,000], whatever he has, I'll go and pick it up and take it to LOLO [ARIAS]."

b. WALLACE Gives RIVERA at least \$14,000 and a Ford Expedition as Partial Repayment for the Heroin that RIVERA Previously Fronted to WALLACE.

230. On or about April 4, 2012, at approximately 4:59 p.m. [TP5 Session #93], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, RIVERA stated, "I'm waiting on you [to deliver

narcotics cash proceeds].” WALLACE stated, “I’m sitting with the truck [Ford Expedition] out West right now. . . . I got the truck with me right now.” RIVERA asked, “Weren’t you gonna’ run around and get everything [narcotics cash proceeds] ready?” WALLACE stated, “Yeah, but I still wanted to give you the truck.” RIVERA stated, “I thought you were doing that [delivering the Expedition] already anyways.” WALLACE stated, “Alright, well let me finish everything [collecting narcotics cash proceeds before delivering the truck].” WALLACE and RIVERA agreed to speak later that night.

231. At approximately 7:35 p.m. [TP5 Session #106], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “I’m gonna’ go see LOLO [ARIAS] tonight. Don’t worry about that. And I’m a gonna’ have like 30 or 40 *pesos* [\$30,000 or \$40,000] or maybe a little bit more, but I don’t want to promise anything.” HERNANDEZ stated, “Oh, that’s good.” HERNANDEZ stated, “Alright cousin. Give me a call later or call LOLO [ARIAS] in the morning.”

232. At approximately 10:37 p.m. and 10:39 p.m. [TP5 Session ##114 and 115], RIVERA, who was using Target Phone 5, had two conversations with WALLACE, who was using Wallace Phone 3. During these calls, RIVERA asked, “How far along you got me [how much money did WALLACE collect for RIVERA]?” WALLACE responded, “Uh, right now I’m over 14 [\$14,000] . . . But tomorrow, I’m suppose to be clearing everything up [paying off drug debt].” RIVERA stated, “Well, ‘cause I wanted to go see this dude [ARIAS] in the morning, but I can’t. What I really need to do is push 30 to 40 [\$30,000 to

\$40,000] out to him and I can pick up the other ones [cocaine] that you wanted, you know what I mean?” WALLACE responded, “Alright. Let me put it together [collect money].” RIVERA and WALLACE agreed to meet the next morning.

233. At approximately 10:46 p.m. [TP5 Session #116], RIVERA, who was using Target Phone 5, had a conversation with UM 5492, who was using UM 5492 Phone 1. During this call, RIVERA stated, “I got the truck [Ford Expedition] ready, but I’m just waiting for my dude [WALLACE] to drop off the title, man.”

234. On or about April 5, 2012, at approximately 10:30 a.m. [TP5 Session #123], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, RIVERA stated, “Buddy, I will see you around one [o’clock, to drop off narcotics cash proceeds from the March 8 heroin]. I’m going to go out right now to pick up more [money]. I have, I’m going to have about 30 [\$30,000] total.” ARIAS confirmed that RIVERA would meet him at 1:00 p.m., and stated, “Alright, sounds good, buddy.”

235. At approximately 10:56 a.m. [TP5 Session #126], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, RIVERA stated, “I’m like ten, fifteen minutes away [from Wallace Residence 1].” WALLACE stated, “Okay.” Based on this call, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) soon after this call, RIVERA met with WALLACE at Wallace Residence 1; (b) during that meeting, WALLACE gave RIVERA at

least \$14,000 and a Ford Expedition as partial repayment for heroin that RIVERA previously fronted to WALLACE.

c. RIVERA Sells WALLACE's Ford Expedition for \$10,000 to Repay Part of his Drug Debt for the Two Kilograms of Heroin.

236. On or about April 5, 2012, at approximately 11:47 a.m. [TP5 Session #128]—within one hour after WALLACE delivered the Ford Expedition to RIVERA—RIVERA, who was using Target Phone 5, had a conversation with UM 5492, who was using UM 5492 Phone 2. During this call, RIVERA asked, “You ready to come out to me [to buy the Expedition]?” UM 5492 responded, “Yeah.” RIVERA and UM 5492 agreed to meet in “about an hour.”

237. At approximately 11:53 a.m. [TP5 Session #130], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “I already have 25 [\$25,000] with me right now and I’m waiting for a guy to bring me another ten [\$10,000] for that truck [Ford Expedition]. . . . I will go visit LOLO [ARIAS] in that hour and give him all the papers [money]. But I will be giving him 35 [\$35,000].” HERNANDEZ stated, “Sounds good.” RIVERA later stated, “The guy [buying the Expedition] just told me he’s going to come by in about one hour. Less than that. 50 minutes. I might be seeing LOLO [ARIAS] in about one hour to one hour and a half, and I will give him the 35 [\$35,000] there.”

238. At approximately 12:30 p.m. [TP5 Session #131], RIVERA, who was using Target Phone 5, had a conversation with UM 5492, who was using UM 5492 Phone 2.

During this call, RIVERA stated, “Come over here [to Rivera Residence B], man. Shoot down 79th all the way to Normandy.” UM 5492 stated, “Alright.” RIVERA stated, “Call me when you’re there.”

239. At approximately 12:42 p.m. [TP5 Session #135], RIVERA, who was using Target Phone 5, had a conversation with UM 5492, who was using UM 5492 Phone 2. During this call, UM 5492 stated, “I’m right here at the [U/I].” RIVERA told UM 5492 to “make a left” and to “come on to the back [of Rivera Residence B].”

240. At approximately 12:53 p.m., GPS ping data for Target Phone 1 indicated that Target Phone 1 was either at or within two houses of Rivera Residence B. At approximately 12:12 p.m. and 2:08 p.m., GPS ping data for Target Phone 5 indicated that Target Phone 5 was at Rivera Residence B.

241. Based on GPS ping data, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) soon after 12:42 p.m., UM 5492 met RIVERA at Rivera Residence B; and (b) during that meeting, UM 5492 inspected the Ford Expedition that WALLACE previously gave RIVERA; and (c) UM 5492 agreed to give RIVERA \$10,000 for the truck later that day.

242. At approximately 12:48 p.m. [TP5 Session #136], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, RIVERA asked, “What happened to the toolbox I had in there [Ford Expedition]?” WALLACE stated, “Everything should be in there. It’s probably in the back.

Open the, look under the seats too.”

243. At approximately 1:59 p.m. [TP5 Session #140], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, ARIAS stated, “Listen, they [heroin suppliers] are calling me from over there [Mexico]. These friends that, if I have the tickets [money for the March 8 heroin] ready.” RIVERA responded, “I’m already going over there [Arias Residence 1] with you, cousin. I’m waiting on some guy [UM 5492, to deliver \$10,000 for the Ford Expedition]. Hmm, I’ll stop by over there in 45 minutes, an hour at the latest. I have 25 [\$25,000] right now, they [drug associates] are bringing me ten [\$10,000]. I’m going to have the 35 [\$35,000] right now.” ARIAS stated, “Sounds good. That works.”

244. At approximately 3:49 p.m. [TP5 Session #151], RIVERA, who was using Target Phone 5, had a conversation with UM 5492, who was using UM 5492 Phone 2. During this call, UM 5492 stated, “Yeah, I’m right here in back [of Rivera Residence B].” RIVERA responded, “Ten-four [understood].”

245. At approximately 3:53 p.m., GPS ping data for Target Phone 1 indicated that Target Phone 1 was at Rivera Residence B. At approximately 3:57 p.m., GPS ping data for Target Phone 5 indicated that Target Phone 5 was at Rivera Residence B.

246. Based on GPS ping data, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) soon after 3:49 p.m., UM 5492 again met RIVERA at Rivera Residence B; and (b) during that meeting, UM 5492 gave RIVERA \$10,000 to buy the Ford

Expedition that WALLACE previously gave RIVERA as partial repayment of WALLACE's drug debt.

d. RIVERA Delivers \$35,000 to ARIAS

247. On or about April 5, 2012, at approximately 3:59 p.m. [TP5 Session #153]—less than ten minutes after RIVERA met with UM 5492 at Rivera Residence B—RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, RIVERA stated, “I’m on my way over there [Arias Residence 1]. I’ll be there in about 15 minutes.” ARIAS stated, “Sounds good. If you want, come around the back of the house, the alley, in the back of the house.”

248. At approximately 4:27 p.m., GPS ping data for Target Phone 1 indicated that Target Phone 1 was in the alley behind Arias Residence 1.

249. At approximately 4:33 p.m. [TP5 Session #156], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, RIVERA stated, “I’m right here in the back [of Arias Residence 1], cousin.” ARIAS stated, “I could hear you.” RIVERA stated, “That I’m in the back.” Based on this call, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) soon after this call, RIVERA and ARIAS met in the alley behind Arias Residence 1; (b) during this meeting, RIVERA gave ARIAS \$35,000 as partial repayment for the two kilograms of heroin that RIVERA obtained on March 8, 2012; and (c) RIVERA’s \$35,000 payment included at least \$14,000 cash that RIVERA received from WALLACE earlier that day and the \$10,000

proceeds from RIVERA's sale of WALLACE's Ford Expedition.

250. At approximately 5:02 p.m. [TP5 Session #163], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA asked, "Has LOLO [ARIAS] called you?" HERNANDEZ stated, "Yes, LOLO [ARIAS] called me already. Right now, I'm going to give this man [narcotics supplier] a call. I'm going to see if he answers me and if he doesn't I'm going to send him a message, to tell him that some [money for the March 8 heroin] are there [U/I] . . ." RIVERA later stated, "Also, another thing, right now another guy is bringing me another 30 *pesos* [\$30,000]. I don't know if right now or later on, but later I'm going to have another 30 [\$30,000] ready for you."

251. At approximately 8:00 p.m. [TP5 Session #167], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "I told him [heroin supplier] about the other ones [the two kilograms of heroin delivered on March 8] that the tickets [\$35,000] were there [delivered to ARIAS], and I asked him if he would let me borrow one of the expensive ones [heroin] because I told him that today or tomorrow we were going to give him another 30 [\$30,000]."

252. Based on previously and subsequently intercepted calls, GPS ping data, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that on or about April 5, 2012, (a) WALLACE gave RIVERA at least \$14,000 in narcotics cash proceeds and a Ford Expedition, both as partial repayment for the

over one kilogram of heroin that RIVERA fronted to WALLACE on March 12 and 15, 2012; (b) RIVERA sold the Ford Expedition to UM 5492 in exchange for \$10,000; (c) RIVERA, at the direction of HERNANDEZ, delivered \$35,000 to ARIAS as partial repayment for the two kilograms of heroin he received on March 8, 2012; and (d) RIVERA's \$35,000 payment included at least \$14,000 cash which RIVERA received from WALLACE earlier that day and the \$10,000 proceeds from RIVERA's sale of WALLACE's Ford Expedition.

4. RIVERA Gives ARIAS \$25,000 as Partial Repayment for the Two Kilograms of Heroin, and Arranges to Obtain an Additional 500 Grams of Heroin through HERNANDEZ (April 12, 2012).

253. On or about April 10, 2012, at approximately 6:12 p.m. [TP5 Session #233], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "How many tickets [money] do you think you'll have for me by tomorrow? So we could give a good chunk of money to this man [heroin supplier]. And if you're still going to need the *muchachilla* [literally, "little girl," meaning heroin], the *chinilla* [literally, "little Chinese girl," meaning heroin] or something so we could ask him for it and so we could ask him about the other ones [cocaine] too, cousin." RIVERA later stated, "[I]f you want tomorrow then I'll have more than 30 [\$30,000], 35 [\$35,000] or 37 [\$37,000] around there."

254. On or about April 12, 2012, at approximately 9:28 a.m. [TP5 Session #266], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE stated, "Buddy [drug associate] had came, but he's still a little off [short on repayment for heroin provided by RIVERA]. Can

I still get back off with you?" RIVERA asked, "Where you at, though?" WALLACE responded, "Okay, on the big picture that we had [the heroin that RIVERA fronted to WALLACE on March 12 and 15], I'm around 27 [\$27,000 collected], and I still gotta' catch up with buddy. Them hundred dollars [100 grams of heroin], I gotta' catch up with him." RIVERA stated, "All they [narcotics suppliers] wanna' see is something [partial repayment for the March 8 heroin], you know what I mean?" WALLACE stated, "Listen, I'm a drop my girl off at the airport at about noon and then I'm comin' to get right up with [meet] you right after that."

255. At approximately 10:43 a.m. [TP5 Session #269], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, ARIAS stated, "They [heroin suppliers] are calling me from down there, and they want to know what's going on with the tickets [money RIVERA owed from the March 8 heroin deal]." RIVERA stated, "I should be able to see you shortly. Probably between 12:30 and 1:00, I should have it [the money] ready."

256. At approximately 3:00 p.m. [TP5 Session #279], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE stated, "On my way to you, man. I'm coming to your house [Rivera Residence B] or I'm coming to Fat Boy crib?" RIVERA responded, "To my house."

257. At approximately 3:48 p.m. [TP5 Session # 282], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. RIVERA stated, "I will pass by to drop off the papers [money] to LOLO [ARIAS] and whatever [amount of heroin] you can get me would be great. . . . I wanted to collect the money to drop it off to LOLO [ARIAS], and if they [the narcotics suppliers] give him something [a quantity of heroin], I can pick it up early tomorrow or as soon as I get out of the game [that RIVERA was attending the same day]. However you want." HERNANDEZ stated, "That's fine. Please just go by LOLO's [Arias Residence 1] when you get a chance and as soon as they bring something [a quantity of heroin] there later on, you can go early tomorrow. I'm going to see if they want to leave me three or four [hundred grams of heroin] there [at Arias Residence 1]."

b. RIVERA stated, "Sounds good. Is it going to be the same one [kind of heroin] like this one [the heroin delivered on March 8]?" HERNANDEZ asked, "Are you talking about the expensive one [heroin]?" RIVERA responded, "Yes, the more expensive one [heroin, as opposed to cocaine]." HERNANDEZ stated, "I'll ask the man [narcotics supplier]. Are you almost done with that one [March 8 shipment of heroin] or what?" RIVERA stated, "I'm planning on covering [repaying] what you left me last time [two kilograms of heroin o March 8], that and then aside from that, I had another hundred there [100 grams of heroin remaining]. . . . I'm hoping to have like 30, 36 [\$30,000 or \$36,000] for you right now." HERNANDEZ stated, "So then let me tell this man [narcotics supplier], well, I'm going to tell him right now that in about an hour you're going to take him [ARIAS] the tickets."

258. At approximately 4:10 p.m. [TP5 Session #284], RIVERA, who was using

Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE asked, "What street is that you on again?" RIVERA responded "79th" and "Normandy" [the intersection near Rivera Residence B]. WALLACE stated, "Alright. I'll be right there. Five minutes."

259. Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) shortly after this call, WALLACE met RIVERA at Rivera Residence B; and (b) during that meeting, WALLACE gave RIVERA between approximately \$25,000 and \$27,000 as partial repayment for heroin that RIVERA previously fronted to WALLACE.

260. At approximately 4:41 p.m. [TP5 Session ##294 and 296], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. RIVERA stated, "I have 25 pesos [\$25,000] for this [prior shipment of fronted heroin], cousin. Hey, are you going to be able to do something about the expensive cars [additional quantity of heroin]?" RIVERA continued, "It's because I have a guy [WALLACE] coming right now for 400 [grams of heroin] and he has the papers [money up front] for those. . . . I only wanted the half [kilogram of heroin] if you have it right there available right now, well, that would be fucking great. I'll get rid of [sell] it right away." RIVERA later continued, "I need 400 [grams of heroin]. That's why I'm telling you, if you have the 500 [grams of heroin], I'll get rid of [sell] the 400 [grams] away for you [right away], and I'll stay with the a hundred [grams fronted] and I'll owe you that, but I'll also get

rid of [sell] them. There's no problem." Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA was (1) asking HERNANDEZ to give him 500 grams of heroin; (2) telling HERNANDEZ that he could pay for 400 grams of that heroin immediately because he had already lined up a buyer (WALLACE); and (3) offering to take the remaining 100 grams of that heroin on credit, which RIVERA would sell over time.

b. RIVERA then arranged to drop off "twenty five [\$25,000]" with ARIAS later that day. RIVERA stated, "He [WALLACE] just brought me the 25 [\$25,000] and I was waiting on another guy too." HERNANDEZ stated, "Look, drop that [\$25,000] off to LOLO [ARIAS] and I will commit that in about an hour or so at the most, or less, I'll get you a *Michelada* [literally a beer cocktail, possibly meaning a half a kilogram] of that one [heroin]. Just so I could give tickets [money owed on March 8 heroin] to this man [heroin supplier], buddy."

261. At approximately 4:57 p.m. [TP5 Session #298], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using ARIAS Phone 2. During this call, RIVERA stated, "I'm already here, buddy." At approximately the same time, surveillance observed RIVERA arrive in Rivera Vehicle 2 at the alley behind at Arias Residence 1. Surveillance then observed ARIAS meet with and receive a bag from RIVERA. The meeting lasted approximately one minute, with RIVERA leaving after he handed ARIAS the bag.

262. Based on this surveillance, previously and subsequently intercepted calls, my

knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that during this April 12 meeting, RIVERA gave ARIAS \$25,000 as partial payment for the two kilograms of heroin that RIVERA received on March 8, 2012.

263. At approximately 5:15 p.m. [TP5 Session #299], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, ARIAS stated, “Yes, everything is good.” RIVERA responded, “Alright. Call me if anything, buddy.” Based on surveillance, previously intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that ARIAS in this call was telling RIVERA that he had counted the money that RIVERA delivered to him minutes earlier and that all \$25,000 was there.

264. At approximately 11:09 p.m. [TP5 Session #315], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “He [the heroin supplier] wanted to know when you were going to have more money and that, because from the, remember when LOLO [ARIAS] came and everything? There were about sixteen [\$16,000] still pending. Sixteen [\$16,000] or sixteen-five hundred [\$16,500], and then from what has been collected, that's about, I don't know if you have done the math, but you have just given me one hundred *pesos* [\$100,000], one hundred, and it was about, about one hundred and fifty four [\$154,000] for everything. Something like that, more or less. I don't know if you have been keeping a good tally.” RIVERA responded, “No, I have the papers [money] there.”

K. RIVERA and FERNANDEZ Obtain 250 Grams of Heroin from HERNANDEZ and ARIAS, then Distributes the Drugs to WALLACE (April 13, 2012).

265. As discussed above, on or about April 12, 2012, at approximately 3:48 p.m. and 4:41 p.m. [TP5 Session ## 283 and 294], RIVERA asked HERNANDEZ to give him 500 grams of heroin, 400 grams of which RIVERA planned to distribute immediately (*see* ¶ 260, above).

266. On or about April 12, 2012, at approximately 8:37 p.m. [TP5 Session #310], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "He [heroin supplier] told me that early tomorrow, like around 10:00 or 11:00 at the latest, he was going to bring me the *micelade* [possibly half kilogram of heroin], so you could let your guys know." RIVERA then agreed to talk to HERNANDEZ the next morning.

267. On or about April 13, 2012, at approximately 10:37 a.m. [TP5 Session #326], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, RIVERA asked, "You still gonna have that [money to buy heroin] for [Individual E] or not? Or is that just a negative all around?" WALLACE responded, "I don't know. That's what I'm sayin', he [Individual E] talkin' about when we come back, he be all the way [ready to buy heroin]." RIVERA stated, "Right. Yeah man, the only problem with that is that I told these dickheads [HERNANDEZ and his drug associates] I was gonna take care of 'em [pay up front] for like four bucks [400 grams of heroin] or whatever. But I called him [HERNANDEZ] last night and I told him that you

were takin' off and that, I mean, he's [HERNANDEZ's] still going to give it [heroin] to me. Let me see what's up, man. I'll call you right back."

268. At approximately 11:01 a.m. [TP5 Session #335], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "I think they [heroin couriers] are almost arriving by LOLO [ARIAS]. They were almost arriving. This man just called me. I don't know how many [grams of heroin] they were going to drop off. If you want to give LOLO [ARIAS] a call to see if they already arrived or to see if they called him." RIVERA agreed to call ARIAS.

269. On or about April 13, 2012, at approximately 11:27 a.m. [TP5 Session #339], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using ARIAS Phone 2. During this call, ARIAS stated, "Well, I already received that [shipment of heroin arranged by HERNANDEZ]. Around what time will you come by?" RIVERA stated, "I think in about one hour. What did they bring you?" ARIAS responded, "the *tela china* [literally "Chinese fabric," meaning heroin] kind." RIVERA arranged to meet ARIAS at Arias Residence 1 in "about an hour."

270. At approximately 11:28 a.m. [TP1 Session #15494], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During that call, RIVERA stated, "Come pick me up, man, 'cause we gotta' go do somethin'." FERNANDEZ stated, "Alright, then."

271. At approximately 12:24 p.m. [TP1 Session #15503], RIVERA, who was using

Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During that call, FERNANDEZ asked, "Comin' down?" RIVERA responded, "Uh-uh. No, man. Come up [inside Rivera Residence B]." FERNANDEZ stated, "Alright." Based on intercepted communications discussed above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA met with FERNANDEZ at Rivera Residence B and, at that meeting, instructed FERNANDEZ to pick up a quantity of heroin from ARIAS and to bring it back to RIVERA at Rivera Residence B.

272. At approximately 12:28 p.m. [TP5 Session #341], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE asked, "Where you at?" RIVERA responded, "I'm at the crib [Rivera Residence B]." WALLACE then asked, "At you crib? You ready for me [to sell heroin to WALLACE]?" RIVERA responded, "Yeah." WALLACE stated, "I'm on my way to you, don't even trip." RIVERA stated "Alright."

273. At approximately 12:30 p.m. [TP5 Session #343], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using ARIAS Phone 2. During this call, RIVERA stated, "Listen, buddy. I'm going to send my *compadre* [FERNANDEZ] over there by you [Arias Residence 1]. Should I have him go through the front or back?" ARIAS responded, "Through the front." RIVERA responded, "Alright then. He will be there in about 15 minutes." ARIAS asked, "Are you going to bring some tickets [money] over?" Based on my knowledge of this investigation as a whole and my training and

experience as a Special Agent, I believe that ARIAS was asking RIVERA whether he intended to pay for the heroin up front. RIVERA responded, "Not right now. Not until later on."

274. At approximately 12:51 p.m. [TP1 Session #15527], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During that call, FERNANDEZ stated, "Tell the she-male [ARIAS] to come out." RIVERA responded, "Alright, dude."

275. At approximately 12:52 p.m. [TP5 Session #345], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using ARIAS Phone 2. During this call, RIVERA stated, "My buddy [FERNANDEZ] is about to arrive." ARIAS stated, "Alright then. Fine."

276. At approximately the same time, surveillance observed a vehicle later determined to be driven by FERNANDEZ arrive at Arias Residence 1. Surveillance then observed ARIAS approach FERNANDEZ's vehicle and hand FERNANDEZ an unknown object. At approximately 1:06 p.m., surveillance observed FERNANDEZ arrive at Rivera Residence B in the same vehicle. Surveillance observed that there were no other occupants in the car. Based on this surveillance, intercepted communications discussed above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that ARIAS gave FERNANDEZ 250 grams of heroin, which FERNANDEZ in turn delivered to RIVERA at Rivera Residence B.

277. At approximately 1:17 p.m. [TP5 Session #347], RIVERA, who was using

Target Phone 5, had a conversation with ARIAS, who was using ARIAS Phone 2. During this call, RIVERA asked, "What [quantity of heroin] did you send over here?" ARIAS responded, "A quarter of a mile [a quarter kilogram, or 250 grams, of heroin]." RIVERA asked, "Is that all they [HERNANDEZ's drug associates] dropped off to you?" ARIAS, responded, "Yes, that's what they dropped off to me. Only that."

278. At approximately 1:23 p.m. [TP5 Session #349], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, "I just wanted to know what [quantity of heroin] you sent me because you only gave me like 200 [grams of heroin] or [U/I] 250 [grams of heroin] because LOLO [ARIAS] gave me a small piece." HERNANDEZ responded, "Yeah, the guy [ARIAS] just called me to tell me that this man brought him 250 and he was going to try to get you more later tonight or tomorrow because those men were working hard there." RIVERA later stated, "I was expecting half [a half kilogram of heroin] or something."

279. At approximately 1:24 p.m. [TP5 Session #354], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, RIVERA asked, "Where you at, fool?" WALLACE responded, "I'm outside, my brotha." RIVERA stated, "Come on." WALLACE responded, "Alright. I'm pulling behind the van. Alright."

280. At approximately this same time, surveillance agents observed WALLACE walking down the driveway of Rivera Residence B. Minutes later, surveillance observed WALLACE enter a black Nissan sedan ("Wallace Vehicle 1") and depart the area of Rivera

Residence B. Based on surveillance, previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) at approximately 1:24 p.m., WALLACE met with RIVERA at Rivera Residence B; and (b) during this meeting, RIVERA distributed to WALLACE 250 grams of heroin, which WALLACE intended to distribute to Individual E.

281. At approximately 1:36 p.m. [TP5 Session #359], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, RIVERA stated, “Yeah, he’s [HERNANDEZ is] talking about that’s all [heroin] he had, like, close by, bro. ‘Cause they [U/I] warehouse or whatever. Since I was kinda’ buggin’ the fuck out of him [heroin supplier], that’s all [250 grams of heroin] they brought me. But that if I hold off, if I just go ahead and do that [sell 250 grams of heroin], they could bring me a whole thing [greater quantity of heroin] later on tonight.” WALLACE stated, “Okay.” RIVERA stated, “He [heroin supplier] just gave me that [250 grams of heroin] to tie me down for like a couple hours and then he’s gonna’ hook me up later on, man.”

282. At approximately 1:54 p.m., surveillance observed WALLACE and Wallace Vehicle 1 near the intersection of Van Buren and Spaulding in Chicago, Illinois. Soon after, surveillance observed WALLACE (a) exit an apartment building located at 3304 Van Buren, Chicago, Illinois, (b) enter the back seat of a Chevrolet Impala parked on the street, (c) exit the vehicle after approximately one minute; and (d) reenter the apartment building. Based on surveillance, previously intercepted calls, my knowledge of this investigation as a whole,

and my training and experience as a Special Agent, I believe that WALLACE met with Individual E or one of Individual E's associates at and outside this apartment building and distributed the approximately 250 grams of heroin that he received from RIVERA.

283. At approximately 2:35 p.m. [TP5 Session #360], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE stated, "Two forty five [the heroin weighs 245 grams]." RIVERA stated, "Alright, two-fifty [grams of heroin], cool." WALLACE then stated, "Yep. Two forty [grams of heroin]." RIVERA replied "Alright."

284. Based on surveillance, previously intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) at approximately 1:24 p.m., WALLACE met with RIVERA at Rivera Residence B; (b) during this meeting, RIVERA distributed approximately 250 grams of heroin to WALLACE; and (c) WALLACE thereafter distributed those 250 grams of heroin to Individual E or Individual E's associates at an apartment building located at 3304 Van Buren, Chicago, Illinois and in a vehicle outside that apartment building.

L. RIVERA, HERNANDEZ, and ARIAS Distribute 250 Grams of Heroin to Individual E, in a deal arranged by WALLACE (April 15, 2012).

285. On or about April 15, 2012, at approximately 12:51 p.m. [TP5 Session #382], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call:

a. WALLACE stated, "[Individual E] tryin' to get up with [buy heroin

from] you, you know what I'm sayin'" RIVERA responded, "[Individual E], [Individual E]?" WALLACE stated, "Yeah, [Individual E], [Individual E]." WALLACE later stated, "But he [Individual E] got his, what's his name, his scrill [money]. So he was tryin' to see if he can get with [buy heroin from] you today." RIVERA asked "What he wanna do [how much heroin does he want to buy], though?" WALLACE replied, "I think four [400 grams of heroin]." RIVERA stated, "Well, find out for sure, man."

b. WALLACE stated, "Yeah, this all some bam-bam [a quick deal]. And then, just keep all the scrill [buy money from Individual E], you know what I'm saying? 'Cause I don't want him [Individual E] knowin' my business, you know what I'm saying. I got him up on sixty-fifth [purchase price of \$65 per gram]." RIVERA stated, "Cool, cool, cool. We could do that." WALLACE stated, "So you just keep everything [Individual E's buy money] and we just knock it off mine [money WALLACE owes RIVERA for fronted heroin] and then we just keep it movin', you know?" RIVERA stated, "Cool, we could do that. Perfect." Based on my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that WALLACE was offering to let RIVERA take his share of the proceeds from the heroin sale to Individual E, so that RIVERA would deduct that amount of money from the amount that WALLACE still owed RIVERA for the heroin the RIVERA had previously fronted to WALLACE. WALLACE then told RIVERA he would call him "right back."

286. On or about April 15, 2012, at approximately 12:54 p.m. [TP5 Session #386], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was

using Wallace Phone 3. During this call, WALLACE stated, "Yeah, that's it. That's [400 grams of heroin is] what it is." RIVERA stated, "Alright, cool, man. Let me find out."

287. At approximately 12:59 p.m. [TP5 Session #393], RIVERA, who was using Target Phone 5, had a conversation with HERNANDEZ, who was using Hernandez Phone

1. During this call:

a. RIVERA stated, "The guy [Individual E] that wants the four pesos, the four hundred [grams of heroin], he's here. He says he's ready. If you can give me the four hundred [grams of heroin], I can give them [money] to you right away. If the guy wants to wait one hour, that's fine, but that way he can go, you know. The thing is he called me a while ago and I was calling you all morning and the call just went through. But if the four hundred [grams of heroin] are there, the papers [buy money] are ready for that."

b. HERNANDEZ stated, "Let me see if he's [the heroin supplier] there, because they brought LOLO [ARIAS] something last time, they had brought him another quarter [250 grams of heroin] that we were going to take over to another man, a friend of this man, but he hasn't picked it up. How much [of the heroin previously provided to RIVERA] do you have left? Are you almost done with that [heroin], or do you still have some there? That way you can give him the whole [400 grams of heroin that the customer requested]?"

c. RIVERA replied, "No, the thing is that I gave that [prior heroin delivery] to another guy. Another guy has that one and he's going to have that [payment] ready for me tomorrow, and that's already being worked on. I don't have anything right now. I just wanted to know if you had the four hundred [grams of heroin] so that I can take care

of him right now.”

d. HERNANDEZ responded, “Let me call this man [heroin supplier], to see if they're working right now. The thing is that, since today is Sunday, who knows if the fucking guy is even working. Sometimes he goes out. Unless he [Individual E] wants the two-fifty [grams of heroin] that LOLO [ARIAS] has there. And, or tell him if he wants to wait until tomorrow. Or the two-fifty [grams of heroin] are there, so he can take that in the meantime.” RIVERA replied, “Let me see what he tells me. I'll call you back shortly.”

288. On or about April 15, 2012, at approximately 1:01 p.m. [TP5 Session #394], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, RIVERA stated, “Well, this guy [heroin supplier] ain't working today. I just found out this dickhead had another [heroin buyer], the day he [ARIAS] gave me that [250 grams of heroin provided to RIVERA on April 13, 2012], he [ARIAS] got the same thing [another 250 grams of heroin] on him ‘cause somebody else was supposed to come for it, but they never came for it or whatever, so he's [ARIAS's] got the two-fifty [250 grams of heroin], you know what I mean?” WALLACE replied, “Okay. He got it [250 grams of heroin] right now?” RIVERA responded, “Yeah, he [ARIAS] got it right now. I could go grab that whenever, but that's only two-fifty [grams of heroin], so I don't know.” WALLACE stated, “Alright, let me call him [Individual E] and see. I'll call you back.”

289. At approximately 1:09 p.m. [TP5 Session #395], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3.

During this call, WALLACE stated, “He [Individual E] said come on.” Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that WALLACE in this call was telling RIVERA that Individual E was willing to purchase the 250 grams of heroin from RIVERA and ARIAS.

290. At approximately 1:27 p.m. [TP5 Session #401], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, ARIAS asked, “Did you talk to TONO [HERNANDEZ] right now?” RIVERA replied, “Yeah. Are you home [Arias Residence 1]?” ARIAS responded, “Yes. He [HERNANDEZ] told me about the *cuarto* [quarter kilogram/250 grams of heroin] that I'm going to rent [give] to you that I have here, but he told me you have to give me the bills [money] for this, the tickets [money].” RIVERA stated, “Yeah, I'm going to drop it [money] off. I'm going to get rid of it [the 250 grams of heroin] immediately. I will go drop it [heroin] off, and then come back [with the buy money].” ARIAS stated, “But he [HERNANDEZ] told me to go with you so that I can bring back the tickets [money] because those tickets do not belong to that guy over there, and since we have that, we have to hand in the, because if they ask me where the quarter [kilogram of heroin] is, I have to tell them, ‘Well, I already sold it. I have the tickets [money] right here to hand them in.’ Otherwise, they're going to be on my ass.” RIVERA replied, “Yeah, that's fine, you can go with me if you want, that's not a problem.” ARIAS then stated, “Sounds good. I'll wait for you here [at Arias Residence 1] then.”

291. At approximately 2:35 p.m. [TP5 Session #407], RIVERA, who was using

Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, ARIAS asked, "What's going on? Are you almost here?" RIVERA replied, "No, I'm just leaving the house. I'll be there shortly." ARIAS responded, "Alright, sounds good." At approximately that same time, surveillance observed RIVERA depart Rivera Residence B, driving alone in Rivera Vehicle 2.

292. At approximately 2:49 p.m. [TP5 Session #411], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE stated, "He's [Individual E is] over there. He's waiting on you [for heroin deal]." RIVERA asked, "He's got me all the way [ready to pay the entire purchase price of the heroin on delivery], right?" WALLACE stated, "Yeah. And he gonna' give you 50 [\$500] for, 50 [\$500] for me too."

293. At approximately 3:04 p.m. [TP5 Session #412], RIVERA, who was using Target Phone 5, had a conversation with ARIAS, who was using Arias Phone 2. During this call, RIVERA stated, "I'm right here, in front." At approximately the same time, surveillance observed Rivera Vehicle 2 arrive at Arias Residence 1. Surveillance observed a man, possibly ARIAS, walk out of the gangway to the south of that residence, cross the street, and get into the passenger side of the Rivera Vehicle 2. Surveillance then observed Rivera Vehicle 2 depart Arias Residence 1.

294. At approximately 4:13 p.m. [TP5 Session #413], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE stated, "So when you get to Kedzie, you make that left."

RIVERA responded, "Alright, cool. I'm right here already." WALLACE stated, "Alright." RIVERA stated, "I'm comin' down the block." WALLACE stated, "I'm finna' call him [Individual E] right now and tell him you're outside."

295. At approximately that same time, surveillance observed Rivera Vehicle 2 arrive at the 3200 block of Lexington Street, Chicago, Illinois. Based on the intercepted calls summarized above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA picked up Individual E or one of Individual E's associates at this location. Surveillance then observed Rivera Vehicle 2 depart that location and travel to a National/Alamo Car Rental facility, located at 4625 W. 55th Street in Chicago, Illinois. Surveillance observed an unknown male (believed to be Individual E or one of his associates) get out of Rivera Vehicle 2 and walk into the parking lot. Rivera Vehicle 2 immediately departed the area.

296. At approximately 4:37 p.m. [TP5 Session #414], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, WALLACE asked, "You over there?" RIVERA responded, "No. I'm already over here. Everything's done [RIVERA already sold the heroin to Individual E or one of Individual E's associates]. I'm running through this paperwork [money]. He gave me 14.230 [\$14, 230]." WALLACE responded, "14.230 [\$14, 230]? OK, let me see. What [purchase price] was he [Individual E] supposed to be at? Hold on, I'll tell you in one minute. Thirteen [\$13,000], sixteen-two [\$16,200]. OK, sixteen-two [\$16,200] and then, yeah, hold on a second. Nah, that's [the money Individual E gave RIVERA is] real short,

ain't it?" RIVERA stated, "Yeah, 'cause he, you said he [Individual E] was gonna' give you like 65 or whatever. I [U/I] 16.250 [\$16,250]. I'ma, I'ma actually [received] 14.250 [\$14,250]." WALLACE stated, "Okay. I'ma hit you right back."

297. At approximately 4:39 p.m. [TP5 Session #415], RIVERA, who was using Target Phone 5, had a conversation with WALLACE, who was using Wallace Phone 3. During this call, RIVERA stated, "Don't worry about it. I found it [the purchase price shortfall]." WALLACE responded, "Ah, man! Why you call me with that bullshit, then, man?" RIVERA stated, "Nah, you know what it was, bro'. He mixed it [the money] in, don't worry about it, I got it [the full purchase price]. Yeah, I found the other two dollars [\$2,000], don't worry about it."

M. RIVERA Delivers Narcotics Cash Proceeds to TREVINO as Partial Repayment for Purchase of Two Kilograms of Heroin (April 20, 2012).

298. On or about April 19, 2012, at approximately 10:59 a.m. [TP1 Session #16104], RIVERA, who was using Target Phone 1, received a text message from HERNANDEZ, who was using Hernandez Phone 2. In this text message, HERNANDEZ asked, "Cousin, what happened with the court because they [the suppliers of the two kilograms of heroin] are asking me about the papers [money] please take care of that." Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that HERNANDEZ was asking RIVERA for an update on the purported April 17 court proceedings involving the truck that law enforcement purportedly seized with \$70,000 hidden inside (*see* ¶ 212, above).

I further believe that HERNANDEZ asked about that purported court proceeding because RIVERA's heroin suppliers wanted the \$70,000 purportedly hidden in that truck as partial payment toward RIVERA's outstanding debt for the two kilograms of heroin that he received on March 8, 2012.

299. On or about April 20, 2012, at approximately 11:32 a.m. [TP1 Session #16234], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA stated, "I just wanted you to come pick up this paperwork [money to repay for the purchase of the two kilograms of heroin RIVERA received on March 8, 2012], man, so you could take it to LOLO [ARIAS]." FERNANDEZ responded, "Ah, I could do that. . . . Alright, I'm a go right now, nigga'. Don't trip [worry]. I'll get there [Rivera Residence B] in like ten minutes."

300. At approximately 11:39 a.m. [TP1 Session #16235], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, FERNANDEZ stated, "Tell him [TREVINO] to meet me right there in the corner, by the restaurant. I'll go inside the restaurant." RIVERA asked, "What you talking about?" FERNANDEZ stated, "This dude, LALO [TREVINO]." RIVERA stated, "Nah, nigga'. Nah, it's cool if you can't [go to TREVINO's location to deliver money for the drug debt], nigga'. It's cool, bro. I'll just wait 'til three [o'clock], 'til my lady gets back [when RIVERA can deliver the money himself], bro."

301. At approximately 5:22 p.m. [TP1 Session #16291], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1.

During this call, FERNANDEZ stated, “I thought you wanted to go do that [deliver money to TREVINO as partial repayment for the two kilograms of heroin]. You took care of it [the money drop] already?” RIVERA responded, “Yeah, man, I had to. Shit, I can’t count on you. I’m laying you off, man.” Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that prior to this call, RIVERA delivered narcotics cash proceeds to TREVINO as partial repayment for the two kilograms of heroin that RIVERA obtained through HERNANDEZ on or about March 8, 2012.

302. At approximately 7:58 p.m. [TP1 Session #16314], RIVERA, who was using Target Phone 1, had a conversation with TREVINO, who was using Trevino Phone 1. During this call:

a. RIVERA stated, “I just spoke with him [HERNANDEZ]. . . . These guys [heroin suppliers] thought that I had skipped town with all that [two kilograms of heroin and narcotics cash proceeds], and I said, ‘No, that’s not it at all.’ And I told him [HERNANDEZ], ‘Knowing the way LALO [TREVINO] is, he’s just like me. If someone shows up to his house with a gun [to collect payment on a drug debt]. that’s disrespectful. You know what I mean?’ And I said, ‘Buddy [HERNANDEZ], can you imagine if this guy [sent by the heroin suppliers to collect the drug debt] had come over by me with a gun? I’m always armed. I would’ve started shooting at him and we would’ve all been fucked, because everything [the drug trafficking conspiracy] will just go down then, you know what I mean?’ . . . And I said, ‘I understand that you [HERNANDEZ] and them [HERNANDEZ’s drug

associates] are very tough over there in Mexico and whatever, but we're in Chicago and in Chicago it's a different story.' . . . And I said, 'Knowing the way LALO [TREVINO] is, and if LALO [TREVINO] would've had a gun and then sees this guy [sent by the suppliers to collect a drug debt] with a gun, LALO [TREVINO] would've put some bullets in the fucker.'" TREVINO responded, "Yeah, [U/I] the son of a bitch."

b. RIVERA stated, "Then he [HERNANDEZ] said, 'Alright, it's fine. they [heroin suppliers] just didn't know what to think [when RIVERA was not returning HERNANDEZ's phone calls]. . . . But everything is fine now. Don't worry about it.' He's [HERNANDEZ's] going to bring me more [narcotics], man." TREVINO asked, "But everything has been resolved with him?" RIVERA responded, "I talked straight up with him [HERNANDEZ]. I said, 'Well, they can be tough over there [in Mexico] but not over here [in Chicago]. . . .' And I told him again, 'You already know LALO [TREVINO] and I told you since the beginning [of their drug trafficking relationship] that those fuckers over there, like [Individual S] and all them are worthless. The only one I can really trust for everything is LALO [TREVINO].' . . . I told him [HERNANDEZ], 'He [TREVINO] was telling me how you had him over there and even apologized to him because they were fucking with him. But everything is fine. And I told him I told you that I would send you my address where I live, that's not a problem.'" TREVINO stated, "Tell him [HERNANDEZ] that's how you work [repay heroin debts], that's how you work. I mean, tell him, tell him that you already talked to him. 'Look, this is the way I [RIVERA] work. If you don't like it, well, just tell me now.'" "

c. RIVERA stated, “No, he [HERNANDEZ] said, he said that ‘Everything is fine, and you still have like 55 pending [\$55,000 due from the March 8, 2012, delivery of two kilograms of heroin].’ But I have, like, another 30 here [\$30,000 ready to repay].” TREVINO stated, “The good thing is that you gave him [HERNANDEZ] something [partial repayment toward the debt on the two kilograms of heroin] because the guy [HERNANDEZ] told me, ‘As soon as that guy [RIVERA] gives me something [money], I’ll [HERNANDEZ will] give you [TREVINO] something [money].’ But as long as he [HERNANDEZ] gives me something. Because I told him [HERNANDEZ], ‘I’m tired of,’ I told him, ‘I’m using up my gas [to collect narcotics cash proceeds from RIVERA] because he [RIVERA] doesn’t live around here.’”

d. RIVERA stated, “Everything is fucking good. And you know what, TONO [HERNANDEZ] should be arriving [in Chicago] in two to three weeks. And then you, me, him [HERNANDEZ], and MANNY [FERNANDEZ] are going to go out, and we are going to talk straight [about the drug conspiracy]. And even if you [TREVINO] don’t want to do anything big [sell large quantities of narcotics], we’re just going to include you for a bit [share narcotics cash proceeds] so you can make something.” TREVINO responded, “Something. We’ll see what happens.”

N. RIVERA Gives \$30,000 to RIOS as Partial Repayment for Purchase of Two Kilograms of Heroin, and Arranges to Obtain Another Kilogram of Heroin through HERNANDEZ (May 4, 2012).

1. RIVERA Collects Approximately \$25,000 from WALLACE as Partial Repayment for the Heroin that RIVERA Previously Fronted to WALLACE.

303. On or about May 3, 2012, at approximately 5:10 p.m. [TP7 Session #10], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, WALLACE stated, “I’m finna get ready and come out West [near Rivera Residence B] so I gotta’ get my hair cut, bro. I gotta’ dinub [money] for you. A dub for your gas tank [partial repayment for the heroin RIVERA previously fronted to WALLACE], you know?” WALLACE continued, “I’m finna’ go out West, when I go out West it might be about a trey, about 30, 30 bucks [\$30,000].” RIVERA stated, “I’m trying to get it all together [collect the remaining amount of money owed on the March 8 heroin], man. Come on, man.” RIVERA and WALLACE then agreed to talk later that day.

304. At approximately 7:41 p.m. [TP7 Session #12], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, RIVERA asked, “Where you at?” WALLACE stated, “Barber shop.” RIVERA asked, “You want me to go by the barber shop?” WALLACE stated, “Yeah.” Based on previously and subsequently intercepted calls (*see* ¶¶ 307-12, below), my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) soon after this call, RIVERA met with WALLACE; and (b) during this meeting, WALLACE gave RIVERA between approximately \$21,000 and \$25,000, as

partial repayment toward the heroin that RIVERA previously fronted to WALLACE.

305. At approximately 9:21 p.m. [TP7 Session #16], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "The thing is that the man [heroin supplier] is calling me already and wants to know how are we [the status of repayment for the two kilograms of heroin delivered on March 8] over there?" RIVERA responded, "Everything is good. I just collected, I have thirty pesos [\$30,000] right now." HERNANDEZ stated, "Alright, sounds good. Let me look into it and see who we're going to deliver it [the money] to. I will call you back shortly."

2. RIVERA Collects Approximately \$4,400 from WALLACE's Associate as Partial Repayment for the Heroin that RIVERA Previously Fronted to WALLACE.

306. On or about May 3, 2012, at approximately 10:07 p.m. [TP7 Session #19], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, "I have twenty-eight [\$28,000]. I don't know if right now or in a couple of hours another guy is going to have another six pesos [\$6,000]. So let's say I'm going to have thirty-four [\$34,000], possibly thirty-five [\$35,000]." HERNANDEZ stated, "Sounds good buddy. Let me call LOLO [ARIAS] so he can give me the man's [RIOS's] number, the one you will give the tickets [narcotics cash proceeds] to. Let me call him [RIOS], and tomorrow you can, call him so you can make arrangements with him. Let me call him. Do you have the man's number? Remember, the man that gave you the two animals [two kilograms of heroin on March 8, 2012]? Did you

save his number? It was about two months ago [March 2012]." RIVERA responded, "No buddy. Remember that I got rid of that line [Target Phone 4] because it wasn't good, so I got rid of it. I didn't keep the number."

307. On or about May 4, 2012, at approximately 12:35 p.m. [TP7 Session #30], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call:

a. WALLACE asked, "Was you able to get that [new supply of narcotics], or no?" RIVERA responded, "Nah, I haven't even turned this [\$25,000 that WALLACE gave RIVERA on May 3] yet, man." WALLACE stated, "Oh, okay. You can ride out West and get up with MARTY [a WALLACE drug associate]. He got some more [narcotics cash proceeds], a little bit more for you. And Unc's finna' have some more for you in a minute."

b. RIVERA asked, "What up? What MARTY got?" WALLACE stated, "I know MARTY got at least thirty-five [\$3,500] right now. I'll tell him to make it thirty seven-fifty [\$3,750], just to make that even. You know what I'm saying? That'll make it an even twenty five [\$25,000] on that." RIVERA asked, "What about Unc? I thought you said he was going to have about six [\$6,000] or somethin'." WALLACE stated, "Yeah, we probably finna clear you out [pay off debt for all previously fronted heroin] today. I gotta' get six [\$6,000] from one homie, 'Big E,' and then tomorrow 'Unc' will have everything, or somebody else around there will have everything, you feel me?" WALLACE stated, "I'm a have you meet him [possibly MARTY] over, meet him on the block over there." RIVERA stated, "Alright, cool."

c. RIVERA stated, "Right, right, right. Well, I'll ask for another one [kilogram of heroin] then." WALLACE stated, "Make sure its just like that one with the layer like I was telling you [the same quality and texture of heroin as the March 8 heroin]." RIVERA stated, "Yeah, that's what I'm a do. I'm a check it out. I'll make sure everything [texture of heroin] is dry and everything."

308. At approximately 12:42 p.m. [TP7 Session #34], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, "Right now I have twenty-eight [\$28,000]. The guy that had the five pesos [\$5,000], but he has four and a half [\$4,500], so I think I can have thirty-three [\$33,000] for you right now." HERNANDEZ stated, "Listen, if you can collect at least thirty [\$30,000], the man [heroin supplier] said to collect at least thirty [\$30,000] for him right now. I'm going to send you the man's [RIOS's] number via a [text] message to your cell [Target Phone 1] and tell him that you're calling on behalf of 'Gordo.' That's their code word. Tell him [RIOS], 'Listen, I'm calling on behalf of Gordo. I'm going to deliver some receipts [money] from the guy over there in Guadalajara.' Ask him [RIOS], 'Where can I meet you and what time?' So depends on what he tells you, you let me know. Let me send you a message and please give him a call to see what he tells you. Tell him 'on behalf of Gordo.'" RIVERA stated, "Alright, buddy."

309. At approximately 12:50 p.m. [TP1 Session #17434], RIVERA, who was using Target Phone 1, received an incoming text message from HERNANDEZ, who was using Hernandez Phone 2. The text message stated, "773 587 4445 [Rios Phone 2] on behalf of

gordo.”

310. Between approximately 2:05 p.m. and 2:31 p.m. [TP7 Session ##37, 38, and 41], RIVERA, who was using Target Phone 7, had three conversations with WALLACE, who was using Wallace Phone 4. At approximately 2:05 p.m., RIVERA stated, “I’m pulling up on dude [a WALLACE drug associate, possibly MARTY] now, so I’m like ten minutes away.” At approximately 2:06 p.m., WALLACE stated, “He [possibly MARTY] said he needs about twenty minutes. He said just hit a block or two, and then he be right there.” At approximately 2:31 p.m., WALLACE stated, “Let me call him and see where he at.” RIVERA stated, “Alright, man. I’m right in front of grandma’s house.” WALLACE stated, “Alright, just post up [wait there].”

311. At approximately 2:36 p.m. [TP7 Session #43], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, WALLACE stated, “If you wait for another hour, an hour and a half, at the tops, you could, my other little buddy is gonna’ run up to me [deliver narcotics cash proceeds] too.” RIVERA stated, “Okay. Well, I’m a give him [RIOS] this [\$30,000]. I don’t like having it around me, you know what I mean?” WALLACE stated, “Okay.” RIVERA stated, “So, I’m just gonna’ go ahead and toss this [give \$30,000 to RIOS].” RIVERA stated, “I’m just waiting for this dude [WALLACE’s drug associate, possibly MARTY] to pull up real quick [to deliver narcotics cash proceeds].” WALLACE stated, “Alright. He be right there.”

312. At approximately 8:58 p.m. [TP7 Session #57], RIVERA, who was using

Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, WALLACE stated, "He's [Unc, a WALLACE drug associate] gonna' have another, uh, about seven [\$7,000] for you right now." RIVERA stated, "Okay." WALLACE asked, "With that, what do I have with that? Where we at [on the balance of WALLACE's debt for the over one kilogram of heroin that RIVERA fronted to WALLACE]? Thirty [\$30,000], Thirty-five [\$35,000] off then, right?" RIVERA stated, "Your boy [possibly MARTY] brought me forty-four hundred [\$4,400, referring to money drop earlier that day]." WALLACE stated, "You gonna' be about thirty-six [\$36,000] off [WALLACE's heroin debt, meaning WALLACE paid RIVERA approximately \$29,000 between May 3 and 4]. You gonna' be thirty-six [\$36,000] if he [Unc] bring you the seven [\$7,000] tonight." RIVERA stated, "Okay."

313. Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) soon after 2:36 p.m., RIVERA met with one of one of WALLACE's drug associates; (b) during that meeting, RIVERA collected approximately \$4,400, as partial repayment for the heroin that RIVERA previously fronted to WALLACE; and (c) in total, between May 3 and 4, 2012, RIVERA collected approximately \$30,000 from WALLACE and WALLACE's associates for the heroin that RIVERA previously fronted to WALLACE.

3. RIVERA Delivers \$30,000 to RIOS as Partial Repayment for the Two Kilograms of Heroin.

314. On or about May 4, 2012, at approximately 3:34 p.m. [TP7 Session #45], RIVERA, who was using Target Phone 7, had a conversation with RIOS, who using Rios Phone 2. Due to a system malfunction, agents did not intercept audio from this call.

315. At approximately 4:41 p.m. [TP7 Session #48], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "I was just calling to see if you came to an agreement [regarding the delivery of narcotics proceeds] with that guy [RIOS]?" RIVERA responded, "Yeah, he [RIOS] told me he would meet up with me at 5:30. That he was in traffic, he's downtown, and that he was going to see me in like a couple hours, like at 5:30." HERNANDEZ stated, "All right then, buddy, it's set."

316. At approximately 5:37 p.m. [TP7 Session #50], RIVERA, who was using Target Phone 7, had a conversation with RIOS, who was using Rios Phone 2. During this call, RIOS asked, "Where you around, buddy?" RIVERA responded, "I'm over here by 63rd and Harlem. And you?" RIOS stated, "I'm around here by Pulaski and Archer." RIVERA and RIOS then agreed to meet near Archer and Central.

317. At approximately 5:50 p.m. [TP7 Session #51], RIVERA, who was using Target Phone 7, had a conversation with RIOS, who was using Rios Phone 2. During this call, RIOS stated, "I'm arriving here to Laramie." RIVERA stated, "I already arrived here on Central." RIOS stated, "Come down to Laramie and stop right there and I'll stop there."

318. At approximately 5:52 p.m. [TP7 Session #52], RIVERA, who was using Target Phone 7, had a conversation with RIOS, who was using Rios Phone 2. During this call, RIOS stated, “Wendy’s [restaurant].” RIVERA asked, “At Wendy's?” RIOS stated, “Yeah, I'm going into the bathroom here.” RIVERA stated, “Alright then.”

319. At approximately this same time, surveillance observed RIVERA meet with RIOS at the parking lot of a Wendy's restaurant located near the intersection of Archer and Laramie. At this location, surveillance observed RIVERA retrieve a large black gym bag from the back of the vehicle he was driving and hand the bag to RIOS. Surveillance observed RIOS depart the Wendy's parking lot driving Rios Vehicle 1.

320. At approximately 6:06 p.m. [TP7 Session #55], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “I already gave him [RIOS] that [\$30,000 in narcotics cash proceeds].” HERNANDEZ stated, “Alright. Let me give him [either RIOS or the heroin supplier] a call right away.” HERNANDEZ asked, “How much did you give the man [RIOS] after all?” RIVERA responded, “Thirty. Three-zero [\$30,000]. I have like two or three [\$2,000 or \$3,000] other ones here with me. . . . Tomorrow I'll have it all [balance of drug debt] ready. So I'd finish it all tomorrow.”

321. Based on surveillance, the intercepted calls discussed above, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) on or about May 3, 2012, WALLACE gave RIVERA between approximately \$25,000, as partial repayment for the heroin that RIVERA previously fronted WALLACE;

(b) on or about May 4, 2012, WALLACE's drug associate gave RIVERA another \$4,400 as partial repayment toward the same drug debt; and (c) on or about May 4, 2012, RIVERA delivered to RIOS approximately \$30,000, including the narcotics cash proceeds he collected earlier from WALLACE and WALLACE's associate, as partial repayment for the two-kilograms of heroin that RIOS fronted RIVERA on or about March 8, 2012.

O. RIVERA Obtains Narcotics Proceeds from WALLACE and Directs FERNANDEZ and Others to Wire Transfer \$5,000 as Partial Repayment for the Two Kilograms of Heroin (May 9, 2012).

322. On or about May 8, 2012, at approximately 8:22 p.m. [TP7 Session #130], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "He [drug supplier] also asked me if you could make some deposits [repay a drug debt from prior narcotics shipment]. But listen, right now I'm going to send both messages to your cell phone. It's for five people and tomorrow, if you have time, we need to make deposits [payments on a drug debt], one peso [\$1,000] for each one [wire transfer] to send them to Iguala, Guerrero [a town in Mexico], please. But either way, I'm going to send you the message so you can obtain five pesos [\$5,000] as soon as possible in the morning or something like that so we can take care of this guy [narcotics supplier] quickly." RIVERA responded, "Alright. How much for each one [wire transfer]?" HERNANDEZ responded, "One thousand [\$1,000]." RIVERA stated, "Alright. I will get them [five wire transfers totaling \$5,000] ready for you shortly, buddy."

323. At approximately 8:51 p.m. and 8:52 p.m. [TP1 Sessions ## 17944 & 17945], RIVERA, who was using Target Phone 1, received two text messages from HERNANDEZ,

who was using Hernandez Phone 2. In these two messages, HERNANDEZ provided the names of Individual J, Individual K, Individual L, Individual M, and Individual N, and stated, "Send to iguala guerrero." Based on previously and subsequently intercepted calls and texts, documents subpoenaed from Western Union discussed further below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that HERNANDEZ in these two text messages gave RIVERA the names and location of individuals to whom RIVERA was to wire narcotics cash proceeds.

324. On or about May 9, 2012, at approximately 12:16 p.m. [TP7 Session # 137], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, "I was just calling you to see how you're doing with the wires. Did you get the names and all? I already sent them to you." RIVERA responded, "Yes, I already got them. I won't be too long."

325. At approximately 12:37 p.m. [TP7 Session #138], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, RIVERA asked, "You got your stuff [narcotics cash proceeds] together?" WALLACE responded, "Yeah, I'm getting it together right now, brotha'." RIVERA stated, "Alright, 'cause he's [HERNANDEZ's] already buggin' me, so I could go do it [send wire transfers]." WALLACE stated, "Copy [meaning, he understood]."

326. In subsequent calls between RIVERA and WALLACE intercepted over Target Phone 7 [TP7 Session ##143, 144, and 148], RIVERA and WALLACE arranged to meet each other at an auto store near the intersection of Wesley Avenue and Cermak Road in

Berwyn.

327. At approximately 4:44 p.m., surveillance observed RIVERA arrive at an auto store located at 6900 West Cermak in Berwyn (near the intersection of Wesley Avenue and Cermak Road). At approximately 4:46 p.m., surveillance observed WALLACE arrive at the auto store, walk up to RIVERA, and hand RIVERA a small white package. WALLACE left approximately 4 minutes later. Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that during this meeting, WALLACE gave RIVERA narcotics cash proceeds for the over one kilogram of heroin that RIVERA previously fronted WALLACE (*see* ¶¶ 159-71, above).

328. At approximately 5:23 p.m. [TP7 Session #157], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “I called you earlier to see if those wires are ready because this man [drug supplier] is calling me. They're waiting for that.” RIVERA stated, “Alright, yeah. It's one thousand pesos [\$1,000] for each one [wire], right?” HERNANDEZ responded, “Yeah, it's one thousand [\$1,000] each and they're going to Iguala. I already told you where, to Iguala, Guerrero [Mexico].” Later in the conversation, HERNANDEZ stated, “I was going to tell you to send them via Western Union, please.” RIVERA stated, “Alright, buddy. Yes, through Western Union. I'm going to send them under my female buddy's name [Individual F] and male buddy's name [FERNANDEZ and Individual R].”

329. At approximately 6:43 p.m. [TP1 Session #18150], RIVERA, who was using

Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA stated, “Well, come through by [RIVERA Residence B] and pick up this bread [\$5,000]. See if you can do that for me.” FERNANDEZ stated, “Alright then.”

330. At approximately 6:50 p.m. [TP1 Session #18151], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using FERNANDEZ Phone 1. During this call, RIVERA stated, “Hey, stop by the Western Union, bro', and bring the [wire transfer] slips. Bring five of them or six of them. It's um, from here [Chicago] to down there. From here to Mexico, Western Union.” FERNANDEZ stated, “Alright then.”

331. At approximately 7:21 p.m. [TP7 Session #162], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “I'm going to give the money [wire transfers] to my buddy [FERNANDEZ]. I'm going to give him about four to five bucks more, \$400 to \$500 because I don't know how much they're going to charge to send them [wires]. And I'll call you later, as soon as I send them, when I have the numbers [confirmation codes].” HERNANDEZ stated, “Alright, then.”

332. At approximately 9:04 p.m. [TP7 Session #169], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “I was calling to see if your buddy [FERNANDEZ] had the codes [confirmation codes for the wire transfer] ready because this man [drug supplier] just called me.” RIVERA stated, “He [FERNANDEZ] still hasn't returned with them, buddy. I don't think he'll take too much longer. Let me see how he's

doing. I'll call you back shortly." HERNANDEZ stated, "Alright."

333. At approximately 9:04 p.m. [TP1 Session #18164], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA asked, "Did you do that [wire transfer the narcotics proceeds via Western Union]?" FERNANDEZ responded, "Yeah, just now." FERNANDEZ later asked, "You still want me to go over there [to RIVERA Residence B], right?" RIVERA responded, "Yeah, cause I need to send the papers [confirmation codes] to this dude [HERNANDEZ], you know what I mean?" FERNANDEZ then agreed to stop by RIVERA's residence.

334. Beginning at approximately 9:48 p.m. [TP7 Sessions #174 through 179], RIVERA, who was using Target Phone 7, had a series of contacts with HERNANDEZ, who was using Hernandez Phone 1. During these calls, RIVERA provided the sender and recipient names, and confirmation codes, for five wire transfers. The senders included FERNANDEZ and Individual F, who sent two wires each. HERNANDEZ then stated, "All set, buddy. Let me send him [drug supplier] the messages [confirmation codes] right away and I'll call you back." RIVERA responded, "Alright, buddy."

335. Records subpoenaed from Western Union confirm the five wire transfers referenced above were in fact sent to Mexico on May 9, 2012, to the attention of Individual J, Individual K, Individual L, Individual M, and Individual N, each in the amount of \$1,000, for a total of \$5,000.

336. Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that

on or about May 9, 2012, FERNANDEZ, Individual F, and Individual R, each acting at the direction of RIVERA, together wired a total of \$5,000 in narcotics proceeds to five different individuals identified by HERNANDEZ, as partial repayment for the two kilograms of heroin fronted to RIVERA on or about March 8, 2012.

P. RIVERA Attempts to Obtain From HERNANDEZ and RIOS Approximately One Kilogram of Heroin, All or Part of Which RIVERA Intended to Distribute to WALLACE (May 10, 2012).

337. On or about May 8, 2012, at approximately 8:22 p.m. [TP7 Session #130], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “When I was talking to this man [narcotics supplier] a while ago, he told me that the one he got was the expensive kind [heroin], and he’s still waiting for the distribution of the cake of the cheap one [possibly cocaine]. He said that in the morning he could bring by one of the expensive ones [a kilogram of heroin]. Do you think you have a chance to move it?” RIVERA responded, “Which type of car [narcotic], buddy? The expensive one [heroin] or the cheap one [cocaine]?” HERNANDEZ replied, “The expensive one [heroin], because the cheap one [cocaine] already arrived but he hasn't received his portion.”

338. On or about May 9, 2012, at approximately 12:16 p.m. [TP7 Session # 137], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “This man [narcotics supplier] called me and they have the car and that [a kilogram of heroin] there [in Chicago] already. Tell me when you're ready so you can give everything else [pay off prior drug debt]

to the man [RIOS] that's going to give you the car [a kilogram of heroin]. Let me know when you're ready too about the wires [\$5,000 wire transfers sent on May 9, 2012, discussed above], that way they [RIOS] can take you the animal [a kilogram of heroin] at the same time." RIVERA stated, "Alright, buddy."

339. At approximately 12:37 p.m. [TP7 Session #138], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, RIVERA asked, "You got your stuff [buy money for heroin] together?" WALLACE responded, "Yeah, I'm getting it together right now, brotha'." RIVERA stated, "Alright. 'Cause he's [HERNANDEZ is] already buggin' me, so I could go do it [obtain a kilogram of heroin]." WALLACE stated, "Copy."

340. At approximately 7:53 p.m. [TP7 Session #166], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, WALLACE stated, "Just got it [collected heroin buy money]. What's the good word?" RIVERA stated, "It's looking good, man. . . . I'm a see you tonight." WALLACE stated, "Tonight? That's cool, 'cause everybody [heroin buyers] trying to get with me in the morning."

341. At approximately 10:00 p.m. [TP7 Session #180], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, WALLACE asked, "What's the word [status on heroin deal]." RIVERA later stated, "Worst case scenario, early in the morning." WALLACE stated, "You gotta' get up early though [to obtain the heroin], man. You got to. 'Cause I got people [heroin buyers]

coming in.”

342. On or about May 10, 2012, at approximately 11:54 a.m. [TP7 Session #188], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ stated, “Call the same guy [RIOS] that you gave the tickets to last time [referring to RIVERA's delivery of \$33,000 in narcotics cash proceeds to RIOS on May 4, 2012] and tell him that you're calling on behalf of ‘*El Doctor*’ and he’s going to give you one of the expensive ones [one kilogram of heroin] right now in the meantime. This man [narcotics supplier] told me that maybe later he [RIOS] would receive the cheap ones [possibly kilograms of cocaine].” RIVERA stated, “Alright. I'll call him [RIOS] right now.”

b. RIVERA asked, “Should I also give him [RIOS] the five pesos [\$5,000 in narcotics proceeds] that I have here?” HERNANDEZ responded, “No. If you want, when you have it all together, how much is what is pending total [the amount RIVERA still owes for the two kilograms of heroin that he obtained from RIOS on March 8, 2012]? Was it [drug debt] like fourteen [\$14,000] or so? . . . But right now, you're not going to give him [RIOS] any money. He's only going to take that [one kilogram of heroin] to you, so make arrangements with him [RIOS] and see what he [RIOS] tells you.”

343. At approximately 12:02 p.m. [TP7 Session #189], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, RIVERA stated, “I'm about to go grab ol' girl [one kilogram of heroin], so

give me a hot minute.” WALLACE asked, “Are you for real or you just playin?” RIVERA stated, “He [HERNANDEZ] just called me right now. That's why I'm tellin' you, hold tight man. I'm a see you, I got it [heroin], don't worry about it man.”

344. At approximately 1:08 p.m. [TP7 Session #190], RIVERA, who was using Target Phone 7, had a conversation with RIOS, who was using Rios Phone 2. During this call, RIVERA stated, “I'm calling on behalf of ‘El Doctor.’” RIOS asked, “Around what time will you have time [be available to pick up heroin].” RIVERA responded, “You tell me.” RIOS stated, “I'm going to go up to the south side around 4:30, 5:00.” RIVERA asked, “Around 4:30, 5:00?” RIOS responded, “Yes. Where, I can see you around Midway [Airport].” RIVERA responded, “Yes, if you want by Midway, that's perfect.” RIOS then arranged to call RIVERA later that day.

345. On or about May 10, 2012, at approximately 1:29 p.m. [TP7 Session #191], RIVERA who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call:

a. RIVERA stated, “This dude [RIOS] is really, really up north taking care of other things, so he's not gonna be over here by me ‘til like 4:30, 5:00.” WALLACE stated, “Damn. I got these people [heroin customers] up my ass [ready to buy], yo. Everybody here [ready to purchase heroin].” RIVERA stated, “Nah, that's cool. Keep 'em [narcotics customers] there, man. I'm tellin' you. He's [RIOS] not gonna be over here by me 'til 4:30, 5:00. The last time I seen him [on May 4, 2012, to deliver \$33,000] at that time, you know what I mean?” RIVERA continued, “It [RIOS' heroin delivery] ain't no bullshit. I got it.

Don't worry about it, man.”

b. WALLACE then asked, “Both sides [cocaine and heroin] or just ol' boy [heroin]?” RIVERA responded, “Nah, just on the regular one [heroin].” WALLACE asked, “What happened to the other one [cocaine]?” RIVERA stated, “That [cocaine] too, but I don't know if it's tonight. But I'ma find out [about the availability of cocaine] when I see him [RIOS].” WALLACE stated, “Alright, well just get me an order [a quantity of heroin] for I can get these guys [heroin customers] right, man.”

346. At approximately 2:35 p.m. [TP7 Session #198], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “I was just wondering if they [RIOS] gave you the car [one kilogram of heroin].” RIVERA responded, “Not yet, the man [RIOS] told me he's not available until 4:30, 5:00, around that time.” HERNANDEZ later stated, “When you do it, when they bring you the order [one kilogram of heroin], do you think you can lend LALO [TREVINO] five points [five grams of heroin], if you can meet him around there? The thing is that a friend of mine called me and he's over there in Sterling and it's about one and a half hours to two hours from you and they want to check it [a sample of the heroin] out. So I wanted to see if you would lend him maybe about two points [two grams of heroin] just so they can check it out.” RIVERA stated, “Alright. I will get it [heroin] ready, separate it, and give it [two grams of heroin] to LALO [TREVINO].”

347. At approximately 5:44 p.m. [TP7 Session #199], RIVERA who was using Target Phone 7, had a conversation with RIOS, who was using RIOS Phone 2. During this

call, RIVERA stated, "I'm over here by Pulaski and 95th." RIOS stated, "You're going to come over to 47th [47th and Pulaski in Chicago]." RIVERA stated, "Alright, I'll be on my way in a flash." I am aware that the intersection of 47th and Pulaski is near Rios Residence 1.

348. At approximately 6:47 p.m. [TP7 Session #205], RIVERA who was using Target Phone 7, had a conversation with Israel RIOS, who was using RIOS Phone 2. During this call, RIVERA and RIOS again agreed to meet near Pulaski and 47th in Chicago, near Rios Residence 1.

349. At approximately 6:46 p.m., agents conducting surveillance at Rios Residence 1 observed RIOS exit the residence and walk to the trunk of Rios Vehicle 1. At approximately 6:51 p.m., surveillance observed RIOS enter Rios Vehicle 1 and depart the residence.

350. At approximately 6:51 p.m., state law enforcement officers, who were working with federal agents conducting surveillance, observed that Rios Vehicle 1 failed to stop at a stop sign in violation of the Illinois Vehicle Code, and conducted a traffic stop of the vehicle on Kedvale Street near 47th Street in Chicago, Illinois. When asked for identification, RIOS presented an Illinois driver's license bearing the name "ISRAEL RIOS" and a home address at Rios Residence 1. RIOS gave agents consent to search Rios Vehicle 1. While searching the vehicle, agents seized a square block, containing a substance wrapped in plastic wrap and black electrical tape, that appeared to be a quantity of cocaine or heroin. Agents submitted the substance to the DEA lab, which determined that the substance

contained 88.0% purity level of Heroin Hydrochloride, and weighed approximately 952.8 grams.

351. Upon learning that agents had located the suspected heroin in Rios Vehicle 1, RIOS stated words to the effect of “Oh my God, how did that get there?” RIOS later admitted that he placed the substance in his vehicle, and that a man from Mexico had called him on Rios Phone 2, instructed him to pick up the substance from a “man in a truck,” and directed him to deliver it to another man. RIOS claimed not to know the identity of the man to whom he intended to deliver the heroin, but based on my familiarity with the case, I believe that RIOS was referring to RIVERA. Agents observed RIOS’s cellular phone, which he later identified as Rios Phone 2, ring repeatedly throughout their questioning of RIOS, and RIOS advised that the caller was the man whom he was scheduled to meet. RIOS consented to show agents the telephone while it was ringing, and agents identified the incoming telephone number as Target Phone 7. Agents then placed RIOS under arrest and advised him of his Miranda rights. RIOS agreed to continue to speak with agents without the assistance of counsel.

352. RIOS then gave agents consent to search Rios Residence 1, located in the basement of 4816 S. Karlov. During the search of RIOS' residence, agents discovered, among other things, approximately \$33,272 in suspected narcotics cash proceeds (possibly including the same \$30,000 that RIVERA delivered to RIOS on May 4, 2012) and various materials that I know, based on training and experience, are typically used to package and wrap kilogram quantities of heroin and cocaine. After interviewing RIOS and searching his

car and residence, agents seized the suspected heroin and narcotics cash proceeds and released RIOS.

353. Throughout the agents' questioning of RIOS, surveillance observed RIVERA driving Rivera Vehicle 2 in and around the block of Rios Residence 1. At one point, surveillance observed RIVERA park his car on the block of Rios Residence 1.

354. Between approximately 7:10 p.m. and 8:20 p.m. [TP7 Session ##206, 208, 211, 216, 217, 218, 219, and 228], RIVERA, who was using Target Phone 7, attempted to contact RIOS on Rios Phone 2 approximately eight times. All eight calls went to voice mail.

355. After several unsuccessful attempts to contact RIOS, at approximately 7:26 p.m. [TP7 Session #215], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, "I've been calling this dude [RIOS] and he doesn't answer. Who knows where he is at." HERNANDEZ stated, "Oh, let me check."

356. At approximately 8:24 p.m. [TP7 Session #227], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ asked, "Did he [RIOS] answer you after all? I just sent this man [drug supplier] a message that the old man [RIOS] had agreed to meet you right now, but he's not answering. He [drug supplier] said he was going to look into it, because I don't have the old man's [RIOS's] number. When the man [drug supplier] sends me messages with [phone] numbers, I just forward them to you and I delete them so I don't have them there [in Hernandez Phone 1]. He never answered you or what?" RIVERA responded,

“No, he didn't answer me anymore buddy. And I've been here about an hour and a half here [at intersection of 47th and Pulaski], more than an hour and a half, like two hours.”

357. At approximately 8:29 p.m. [TP7 Session #229], RIVERA, who was using Target Phone 7, had a conversation with WALLACE, who was using Wallace Phone 4. During this call, WALLACE asked, “What the fuck is up [with the scheduled heroin delivery]?” RIVERA responded, “Shit man. This motha' fucker has me waiting for two hours right here man.” WALLACE asked, “What's happening?” RIVERA replied, “Nothing. I just called my guy down there [HERNANDEZ]. You know? And told him, ‘Hey! What the fuck is up with buddy [RIOS]?’ Cause dude [RIOS] called me right? He's like, ‘Hey be ready like around 5:30, 6:00.’ I'm like, ‘Alright, cool man.’ So I'm waitin for him.” RIVERA continued, “And the motha' fucker [RIOS] ain't there [at meeting location] man. And I been calling him for like an hour and a half. Motha' fucker ain't picking up.”

358. At approximately 10:41 p.m. [TP7 Session #231], RIVERA, who was using Target Phone 7, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA asked, “What's the word [status on RIOS]?” HERNANDEZ responded, “Nothing. Right now this man [drug supplier] just called me from over here [Mexico]. He's telling me that, that the man [RIOS] that was going to, to lend you the car [one kilogram of heroin] and that, that it seems he [RIOS] had visitors [apprehended by police] and that's the reason he wasn't able to go over there to the dealer [the meeting location at the intersection of 47th and Pulaski] to take it [one kilogram of heroin] to you there. So you shouldn't keep calling him [RIOS] anymore and for you to turn off wherever

you were calling him from [stop using Target Phone 7]. He [drug supplier] will let us know tomorrow what's going on. If you were calling him [RIOS] from the radio [push to talk feature of Target Phone 7] or [U/I], in the meantime [U/I] and you can just turn it [Target Phone 7] back on tomorrow. Or if you were calling him from a cell phone, turn it off now.” RIVERA stated, “Alright then, buddy. Well, I’ll call you tomorrow with a new one [a new push-to-talk phone], buddy.”

Q. RIVERA Gives TREVINO Narcotics Cash Proceeds as Partial Repayment for the Two Kilograms of Heroin that RIVERA Obtained on March 8, 2012 (May 11, 2012).

359. On or about May 11, 2012, at approximately 5:13 p.m. [TP1 Session #18485], RIVERA, who was using Target Phone 1, had a conversation with TREVINO, who was using Trevino Phone 1. During this call:

a. TREVINO asked, “Alright. You already know what’s going on, right?” RIVERA responded, “Yeah.” TREVINO asked, “So, what's up? Are you going to come or should I go over by you, or what?” RIVERA responded, “What are you talking about, dude?” TREVINO asked, “TONO [HERNANDEZ] didn't tell you anything?” RIVERA replied, “Yeah, yes dude. That's why I was calling you, dude.” TREVINO stated, “Well yes, it's because I fuckin’ do the jobs [collect narcotics cash proceeds] for him [HERNANDEZ] and he tells me that you're going to pay me. He [HERNANDEZ] says, ‘Hold on asshole. I did business with you [TREVINO], not with him [RIVERA], dude.’”

b. RIVERA stated, “That’s fine, bro. Yes, he [HERNANDEZ] told me to give you something [narcotics cash proceeds], bro. But I have it at my house [RIVERA

Residence B], dude.” TREVINO stated, “Well, do that favor [deliver partial repayment of the money RIVERA owed from the two kilograms of heroin] for me because I do need money, dude.” RIVERA responded, “Alright. Well once I leave [TREVINO’s residence], just follow me [to RIVERA Residence B], dude, so I won’t have to come back.” TREVINO stated, “Alright, that’s fine.” TREVINO stated, “I’m right here outside the house [TREVINO’s residence], yeah.” RIVERA stated, “Oh, I’ll be right there, dude.”

360. At approximately 7:02 p.m. [TP 1 Session #18527], RIVERA, who was using Target Phone 1, had a conversation with TREVINO, who was using Trevino Phone 1. During this conversation, RIVERA and TREVINO agreed to meet at an auto shop near the intersection of 60th and Harlem Avenue.

361. At approximately 7:25 p.m. [TP 1 Session #18540], RIVERA, who was using Target Phone 1, had a conversation with TREVINO, who was using Trevino Phone 1. During this conversation, TREVINO advised RIVERA that he had arrived in the area of 60th and Harlem Avenue.

362. At approximately this same time, surveillance observed Trevino Vehicle 1 arrive at the Windy City Auto Spa located at the intersection of 60th Place and Harlem Avenue in Chicago. Surveillance later observed TREVINO standing in the parking lot of the Windy City Auto Spa.

363. At approximately 7:52 p.m., surveillance observed RIVERA depart in Rivera Vehicle 2, and TREVINO depart in Trevino Vehicle 1. At approximately 8:06 p.m., surveillance observed Rivera Vehicle 2 and Trevino Vehicle 1 arrive at Rivera Residence B.

At approximately 8:24 p.m., surveillance agents observed Trevino Vehicle 1 depart Rivera Residence B.

364. my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA paid TREVINO a portion of the drug debt that RIVERA owed on the two kilograms of heroin that he (RIVERA) obtained through HERNANDEZ on March 8, 2012.

R. RIVERA and TREVINO Discuss RIVERA's Repayment for the Two Kilograms of Heroin that RIVERA Obtained on March 8, 2012 (May 20, 2012).

365. On or about May 20, 2012, at approximately 3:10 p.m. [TP1 Session #19693], RIVERA, who was using Target Phone 1, had a conversation with TREVINO, who was using Trevino Phone 1. During this call:

a. TREVINO asked, "Have you talked with TONO [HERNANDEZ]?" RIVERA responded, "Nah, everything [the drug market] is dead right now." TREVINO replied, "Really? Because he told me, 'Go see him [RIVERA] over there [at Rivera Residence B].' I told him [HERNANDEZ], 'Well, haven't you talked with him [RIVERA]?' I told TONO [HERNANDEZ], 'Call him [RIVERA] because I'm very busy. I'm doing some things.' I lied to him because he wants me to go over to your house [to collect money RIVERA owes on prior drug shipments]. I said, 'No man, I'm very busy right now.'"

b. RIVERA asked, "When did you speak to him [HERNANDEZ]?" TREVINO replied, "I think it was the day before yesterday, bro." RIVERA asked, "And what did TONO [HERNANDEZ] say?" TREVINO stated, "Well, he told me, you know, the

same stuff as always, to hurry up and give him [HERNANDEZ] the money [that RIVERA owes from the purchase of two kilograms of heroin arranged by HERNANDEZ] and all that stuff, dude.” RIVERA stated, “Oh, that mother fucker, bro.” TREVINO stated, "Because they're [narcotics suppliers] putting pressure on him [HERNANDEZ]. He [HERNANDEZ] said, ‘They're [narcotics suppliers] putting pressure on me over here, dude.’ And I lie to him, because I don't want to be looking for you at your house, man. He [HERNANDEZ] says, ‘Go and take a ride [to Rivera Residence B] and let me know what happens and shit.’”

c. TREVINO stated, "Last time he gave me some money too, when I picked up the money [narcotics cash proceeds] from you [on March 11, 2012, discussed above]. And he was asking me to go to your house and I had to lie to him. But I don't know what your arrangement [repayment plan] is with him.” RIVERA later stated, “Yeah, man, well tell him [HERNANDEZ] that I've got everything [the drug debt] taken care of. The problem is that if I tell him, ‘The stuff [narcotics cash proceeds] is there [available for pickup], don't worry,’ and then they want, if I take them [collect the money], they're [RIVERA's heroin distributors are] going to have the stuff [money] over by 26th [Street in Chicago], you know what I mean?” TREVINO responded, “Yeah.”

d. RIVERA stated, “Or they're [RIVERA's heroin distributors are] going to have them [narcotics cash proceeds] somewhere and it's not convenient for me that all the assholes [heroin distributors] have them [narcotics cash proceeds] there or other fuckers over there. And then, who knows what they'll do to, do to it.”

e. TREVINO responded, “Yeah, and then TONO [HERNANDEZ], the

other day, I did a favor for him, so he owes me some money. He told me, ‘Go with SPOOK [collect money from RIVERA].’ I told him, ‘This issue is with you [HERNANDEZ]. You [HERNANDEZ] have to talk with him [RIVERA]. I took care of that [business that put HERNANDEZ in debt to TREVINO] for you bro, and not for him [RIVERA], bro.’” RIVERA responded, “Yeah.” Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that TREVINO was telling RIVERA that HERNANDEZ asked TREVINO to collect money that RIVERA owed to HERNANDEZ in connection with RIVERA’s March 8 purchase of two kilograms of heroin, and that HERNANDEZ told TREVINO that he (TREVINO) could keep the money that he collected from RIVERA as satisfaction of a debt that HERNANDEZ owed to TREVINO.

f. TREVINO continued, “‘Yeah, but he [RIVERA] has some money and this and that. He’s the one that has the money and from there you can [collect money].’ That’s why I was so pissed. Things are slow right now and I’d just rather deal with this [collecting the money RIVERA owes on the two kilograms of heroin] even though things [sales in the drug market] are tough right now.”

g. RIVERA stated, “That dude [HERNANDEZ] is wrong because when I talk to him, he tells me that everything is okay, not to worry [about the drug debt] and all that shit. Last week, I did a job [narcotics transaction], a fucking good job, a, something small that was going to make me 100 *pesos*, 150 *pesos* [\$100,000 to \$150,000]. And I was thinking of getting it all together and taking care of everything [paying off all the money

owed on the two kilogram deal]. But all I want is for him [HERNANDEZ] to be honest with me.” TREVINO stated, “Yeah, dude.” RIVERA stated, ““If you [HERNANDEZ] say that we’re going to continue [selling drugs supplied by HERNANDEZ and his associates], let’s continue. And if you [HERNANDEZ] say no [and stop arranging drug shipments to RIVERA], oh well. Whatever I owe you [for past drug shipments], I have to pay you back for sure.”” TREVINO responded, “Exactly.”

h. RIVERA stated, “That’s the problem because I also told him [HERNANDEZ], ‘If we’re going to continue [selling drugs supplied by HERNANDEZ and his associates], then let’s continue, bro.’ Because right now he [HERNANDEZ] goes back and forth between ‘yes’ and ‘later,’ and those fuckers [heroin suppliers] don’t want to hear that. If we’re not working [selling the suppliers’ heroin], they are just gonna’ leave and go work with another company [heroin distributors], you know?” TREVINO responded, “Yeah.”

366. Based on my knowledge of this investigation as a whole and my training and experience as a Special Agent, I believe that TREVINO in the above-referenced call (a) discussed with RIVERA the money that RIVERA owed to HERNANDEZ and HERNANDEZ’s associates on the two kilograms of heroin that RIVERA received from RIOS on or about March 8, 2012; and (b) at the direction of HERNANDEZ, asked RIVERA to give TREVINO money as partial repayment for the two-kilograms of heroin that RIOS fronted to RIVERA on or about March 8, 2012.

S. RIVERA Obtains Two Kilograms of Heroin from MIRANDA in a deal

arranged by HERNANDEZ, and Delivers One Kilogram of Heroin to DIAZ (May 24, 2012).

367. As discussed in detail below, on or about May 22, 2012, in a conversation with HERNANDEZ, RIVERA (a) acknowledged that he still owed money for the two kilograms of heroin that he obtained on March 8, 2012; and (b) asked to obtain another shipment of heroin. On or about May 23, 2012, HERNANDEZ (a) advised RIVERA that a supplier was willing to front him another kilogram of heroin at a purchase price of \$55,000; and (b) instructed RIVERA to wire transfer \$5,000 as directed by HERNANDEZ, as partial repayment of RIVERA's preexisting debt. On or about May 24, 2012, RIVERA (a) obtained two kilograms of heroin from MIRANDA,²² in a deal arranged by HERNANDEZ; and (b) at the direction of HERNANDEZ, delivered one of those two kilograms of heroin to ADALBERTO DIAZ.²³

²² The identification of MIRANDA and MIRANDA's voice in this Affidavit is based on the following: On or about May 24, 2012 [TP8 Session ##43, 44, 59, 60, 61], RIVERA, who was using Target Phone 8, had several conversations with a man using Miranda Phone 1. During these calls, RIVERA made arrangements to meet the man who was using Miranda Phone 1 near the intersection of Damen and Cermak in Chicago. Soon after the last of these calls, surveillance observed RIVERA meet with a man near the intersection of Damen and Cermak. After this meeting, surveillance observed the man who met with RIVERA drive away in a gold Toyota ("Miranda Vehicle 1") registered to "MIRANDA-ARARICIO EUGENIO." Agents who conducted surveillance of this May 24 meeting viewed a previous arrest photograph of MIRANDA and confirmed that the man depicted in the photograph (MIRANDA) was the same man who met with RIVERA on May 24, 2012. Based on this information, agents determined that MIRANDA was the user of Miranda Phone 1.

²³ The identification of DIAZ and DIAZ's voice in this Affidavit is based on the following: On or about May 24, 2012 [TP8 Session #89, 97, 98, and 103], RIVERA, who was using Target Phone 8, had several conversations with a man using Adalberto Diaz Phone 1. During these calls, RIVERA and the user of Diaz Phone 1 agreed to meet at the Zacatacos restaurant located near the intersection of 71st Street and Pulaski Road in Chicago. At approximately 5:27 p.m. [TP8 Session # 103], the user of Diaz Phone 1 told RIVERA, "I'm right here inside the parking lot of Zacatacos.

1. RIVERA Arranges to Obtain One Kilogram of Heroin Through HERNANDEZ and Agrees Repay the Balance of the Money He Owes for the March 8 Heroin.

368. On or about May 22, 2012, at approximately 4:50 p.m. [TP8 Session #4], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. RIVERA stated, “I know that there’s more pending [RIVERA still owes money for the two kilograms of heroin from March 8] and all that shit. That what I want fix [repay] first right now. If they [heroin suppliers] do have some [heroin] or not, regardless, the thing is, I don’t like owing people too much [money]. So I’m going to do everything that’s possible to get that [repay debt from the two kilograms], get that, and fix this issue. And start all over once again.”

b. HERNANDEZ responded, “No, that’s fine buddy. I don’t know if there’s a possibility for something [heroin] to be brought by there or tomorrow. Let me see. But this man might want what was left pending [debt from the two kilograms of heroin from March 8] from the four [\$4,000]. It was four [\$4,000], right, that was left pending [from the

. . . I'm right here, in front of you, right here, come over here.” At approximately the same time, surveillance observed RIVERA approach a Chrysler Pacifica, registered to Individual H and occupied by a male driver and a female passenger, in the Zacataco’s parking lot. Surveillance then observed RIVERA pass a white grocery bag to the female passenger. Agents who conducted surveillance of this May 24 meeting viewed Illinois driver's license photographs of ADALBERTO DIAZ and Individual H and determined that the man (DIAZ) and woman (Individual H) depicted in these photographs were the same man and woman who met with RIVERA in the Zacataco’s parking lot on May 24, 2012. Based on this information, as well a subsequent call between RIVERA and the user of Diaz Phone 1, in which the two men discusses what happened immediately after their May 24 meeting, agents determined that DIAZ was the user of Diaz Phone 1.

March 8 deal]? Don't know if they [heroin suppliers] would swing by there [deliver heroin to RIVERA] now, or, right now I'm going to send him [heroin supplier] a message right now. But he might want what is still pending from the other one."

c. RIVERA stated, "No, yeah, I'll swing by to go see this guy [a drug associate who owes RIVERA money]. I'll call right now. I really hardly want to call until I know for certain [that HERNANDEZ's associate can resupply RIVERA with heroin], because I could go pick up the papers [narcotics cash proceeds] and then the guy [indebted drug associate] is going to get bothered by it [RIVERA's failure to supply more heroin], if they're out [of wholesale quantity of heroin]. And then he's gonna' end up going somewhere else [a different heroin supplier]. And that's why I haven't called [to collect money from the drug associate]. But if you are saying those [heroin] are there [available for delivery], then let me call him and I grab the *pesos* [money] he has there."

369. On or about May 23, 2012, at approximately 12:27 p.m. [TP8 Session #10], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ stated, "The man [heroin supplier] just sent me a message and he says that one of his friends is going to lend him one [kilogram of heroin], but he says we need to get rid of it [sell off, and repay supplier for, the kilogram] in five days. . . . He says that he's going to ask one of his friends for a big car, the expensive ones [a kilogram of heroin]. . . . This is a favor that he's [the heroin supplier] going to ask for, for them to lend him one of the expensive ones [one kilogram of heroin], so we need to get rid

of it in five days. What do you think? Should I ask him for it [the kilogram of heroin], or what do you think?”

b. RIVERA responded, “Yes, if you can, that’s great. But is it going to be the same [quality of heroin as the two kilograms of heroin delivered on March 8, 2012]?” HERNANDEZ stated, “Yes, it’s going to be the same [quality of heroin]. At five-five [purchase price \$55,000 per kilogram], the same [purchase price as the March 8 deal]. The only thing is that he asked for us to have the money for him within five days because he doesn’t like to ask for favors [take heroin on credit], but since we are working [have buyers ready to purchase heroin], well, you already know how the people are starting to get sick [heroin is in short supply].”

c. RIVERA stated, “If he lends it [a kilogram of heroin] to us, that’s great. I’m just asking if it’s the same kind of work [same quality of heroin as the March 8 kilograms]. I mean, if it’s the same seal, stamp, same company. And if everything is going to be the exact same?” HERNANDEZ responded, “Yes, everything is the same. It’s the same work [quality of heroin] that comes from where they are [a particular location in Mexico].” RIVERA stated, “Alright, then. That sounds great. That way, I can put a lot of effort into [selling] it.” As discussed in paragraphs 371 to 390, below, I believe that RIVERA and HERNANDEZ moved forward with this deal.

2. RIVERA Agrees to Wire Transfer \$5,000 as Directed by HERNANDEZ, As Partial Repayment for the March 8 Heroin.

370. On or about May 23, 2012, at approximately 2:13 p.m. [TP8 Session #12], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “If you happen to see him [drug associate who owes RIVERA money], to see if you can gather about five *pesos* [\$5,000], because this man [supplier of March 8 heroin] asked me if we could send him about five *pesos* [\$5,000]. Five wire transfers like you did the other day [on May 9, 2012, discussed above]. If you could do that right now in case they bring you the car [one kilogram of heroin]. So you can try to see the people that still owe you money. Ask them for money so you can send this man the wire transfers. It’s five wire transfers, but, well, once they give that [one kilogram of heroin] to you there.” RIVERA responded, “Alright. I’ll get on the ball right now.” As discussed in paragraphs 391 to 398, below, I believe that RIVERA wire transferred approximately \$3,300 (short of HERNANDEZ’s \$5,000 request) as directed by HERNANDEZ on May 26, 2012.

3. RIVERA Obtains Two Kilograms of Heroin from MIRANDA.

371. On or about May 24, 2012, at approximately 10:56 a.m. [TP8 Session # 42], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “I’ve been messaging with this man [narcotics supplier] and asked him if they’re still going to take care of us [distribute heroin] early or what, and he says that his friend told him they supposedly will. He said he

was going to call him. Hopefully they call you in about thirty minutes, if not, so I can call this man again.” RIVERA responded, “Alright. I'll be waiting for the call and as soon as I know something, I will call you immediately.”

372. At approximately 12:00 p.m. [TP8 Session #43], RIVERA, who was using Target Phone 8, had a conversation with MIRANDA, who was using Miranda Phone 1. During this call, MIRANDA stated, “What's up? On behalf of *Cunadito*.” RIVERA replied, “What's up?” MIRANDA stated, “Nothing, they told me to hand over some ‘tools’ [heroin] to you.” RIVERA stated, “Uh-huh. Where do you want me to meet you [to accept delivery of heroin]?” MIRANDA responded, “Around 1:30 by Damen and Cermak.”

373. At approximately 12:03 p.m. [TP8 Session #44], RIVERA, who was using Target Phone 8, had a conversation with MIRANDA, who was using Miranda Phone 1. During this call, MIRANDA asked, “What do they call you? Do you have . . . ” RIVERA replied, “They haven’t, well, my name is DAMIAN.” MIRANDA stated, “Okay. I was just asking because they will ask me again over there [Mexico]. I’m going to call over there anyway.” RIVERA replied, “Alright.” RIVERA and MIRANDA again confirmed that they would meet at 1:30 p.m.

374. At approximately 12:05 a.m. [TP8 Session #52], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. RIVERA stated, “He [MIRANDA] told me [to meet him] at 1:30 over there by the city.” HERNANDEZ asked, “Do you have a small cooler where you can store

the sodas [a hidden compartment, or “trap,” to conceal the kilograms of heroin]?” RIVERA stated, “Yes, I have that ready.” HERNANDEZ stated, “Give me a call when you’re on your way, or when you have it all ready so I can call this man [heroin supplier] to let him know that we also have the other car [a second kilogram of heroin], the one for his friend [DIAZ].”

b. HERNANDEZ also stated, “And see if you can see one of your friends [drug associates] that owes you some tickets [money] so that you can make those deposits [wire transfers] for me, please, because this fucking man [supplier of March 8 heroin] just called me and asked me if we had already taken care of it [wired \$5,000 to his associates].” RIVERA stated, “Alright, then. It was four [\$4,000], right?” HERNANDEZ responded, “Yeah, it’s four [\$4,000]. Well, that man had said they were five [\$5,000], but he only sent me about four [the names of four associates to receive the wired money], so in the meantime, just do me the favor and send them [wire transfers] to him.” RIVERA stated, “Alright, then. I will take care of that.”

375. At approximately 1:56 p.m. [TP8 Session # 59], RIVERA, who was using Target Phone 8, had a conversation with MIRANDA, who was using Miranda Phone 1. During this call, MIRANDA asked, “Almost [at the meeting location], buddy?” RIVERA responded, “I’m getting off I-55 right here on Damen. I don’t think I’ll be longer than ten minutes.” MIRANDA stated, “Okay.” RIVERA stated, “I’ll call you as I’m arriving there [at the intersection of Damen and Cermak].” MIRANDA stated, “Okay. I’m on my way. I’ll be at ‘*El Guero* [a restaurant located near the intersection of Damen and Cermak],’ right there.”

376. At approximately 2:03 p.m. [TP8 Session # 60], RIVERA, who was using Target Phone 8, had a conversation with MIRANDA, who was using Miranda Phone 1. During this call, RIVERA stated, “I’m right here.” MIRANDA stated, “I’ll be there. I’m walking there now. I’m already here. Grab a snow cone in the meantime.” RIVERA then informed MIRANDA, “Alright. I’m in a grey truck [Rivera Vehicle 2].” MIRANDA stated, “Okay.”

377. At approximately 2:04 p.m. [TP8 Session #61], RIVERA, who was using Target Phone 8, had a conversation with MIRANDA, who was using Miranda Phone 1. During this call, MIRANDA asked, “Hey, where are you in the grey truck?” RIVERA replied, “I’m right here, you just passed me up.” MIRANDA and RIVERA then discussed a vehicle in the parking lot that concerned MIRANDA.

378. At approximately the same time, surveillance observed—near the intersection of Damen and Cermak, about a block away from the *El Guero* restaurant—a man, subsequently identified as MIRANDA, meet with RIVERA at the passenger window of Rivera Vehicle 2. Following the meeting, MIRANDA walked to and entered a gold Toyota (“Miranda Vehicle 1”). Rivera Vehicle 2 and Miranda Vehicle 1 then departed the area. Based on calls intercepted before and after this meeting, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that during this meeting, MIRANDA gave RIVERA two kilograms of heroin.

379. At approximately 2:42 p.m. [TP8 Session # 63], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone

1. During this call:

a. HERNANDEZ stated, "I was calling to see if everything [the heroin hand-off with MIRANDA] went well." RIVERA stated, "Yes. I already arrived over here, at a location [the meeting with MIRANDA]. I was going to check them [two kilograms of heroin] out, open them up and check them out so that you can send me the guy's [DIAZ's] address, the one that's going to take the other one [one kilogram of heroin]."

b. HERNANDEZ responded, "Listen, just open one [kilogram of heroin] so that these people don't think that we did something to the other one [the kilogram of heroin that RIVERA was instructed to deliver to DIAZ] because they're fucking assholes. Just check the one [kilogram of heroin] that's yours and check the weight and all to make sure that everything is good, or just as they handed them to you. And right now I will send, the thing is that the man called me right now and asked me if you had already received the 'car' [the kilogram of heroin intended for DIAZ]. I told him, 'Let me call him. He [RIVERA] was on his way over there [to the meeting with MIRANDA] a while ago.' He said, 'Alright, just send me a message when everything is ready so I can tell you who he should.' I told him, 'Alright.' Let me call you back as soon after I call him to let him know everything is good there."

4. RIVERA Delivers One Kilogram of Heroin to DIAZ, as Directed by HERNANDEZ.

380. At approximately 3:07 p.m. [TP8 Session # 69], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1.

During this call, HERNANDEZ asked, “Did you receive the [text] message? That number is a cell and they call that guy ‘*El Kung fu* [DIAZ].’ Call and ask for ‘*El Kung fu*,’ and make arrangements with him [DIAZ] so that you can give him the other one [one kilogram of heroin], please.” RIVERA responded, “I haven’t checked the phones. I’m over here with that [package of heroin] opened up and my hands are busy, so I haven’t had a chance to check it. I will check the phone and call right now.” HERNANDEZ responded, “No, I just sent you the message. I sent you the message with the other cell number and that’s what they call the guy [DIAZ], the one you’re going to give the other ‘car’ [kilogram of heroin] to, they call him ‘*El Kungfu*.’ So please make arrangements with him [DIAZ].” RIVERA responded, “Alright, I’ll give him a call.”

381. At approximately 4:14 p.m. [TP8 Session # 89], RIVERA, who was using Target Phone 8, had a conversation with DIAZ, who was using Diaz Phone 1. During this call, RIVERA stated, “Good evening, I’m calling on behalf of ‘*Flaquito* [meaning, “skinny guy”].” DIAZ replied, “Yes, good evening. Go ahead.” RIVERA stated, “It’s because I have some ‘tools [heroin]’ here that I need to give you. Where should I see you?” RIVERA and DIAZ then agreed to meet at approximately 5:15 p.m. near the Marshalls store located at the Ford City Mall.

382. At approximately 4:16 p.m. [TP8 Session # 91], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “I just sent you a radio number [push-to-talk number for Diaz Phone 1] to your cell phone. Call that number to see what they [DIAZ] tell

you and if they answer.” RIVERA replied, “Yes, I already called him [DIAZ]. I’m going to see him in about an hour [to deliver one kilogram of heroin]. He’s coming by.”

383. At approximately 5:06 p.m. [TP8 Session # 97], RIVERA, who was using Target Phone 8, had a conversation with DIAZ, who was using Adalberto Diaz Phone 1. During this call, DIAZ stated, “I’m right here, buddy.” RIVERA asked, “What side are you at?” DIAZ replied, “I’m right here where you told me. Right here at Marshalls.”

384. At approximately 5:07 p.m. [TP8 Session # 98], RIVERA, who was using Target Phone 8, had a conversation with DIAZ, who was using Diaz Phone 1. During this call, RIVERA asked, “Can you come over here by Pulaski, over by where Zacatacos [restaurant] is at?” DIAZ replied, “Alright, then. I’ll go over there.”

385. At approximately 5:19 p.m., surveillance observed a Rendezvous (“Fernandez Vehicle 1”)²⁴ pull into the parking lot of the Zacatacos restaurant located near the intersection of 71st Street and Pulaski Road in Chicago. Surveillance observed RIVERA in the passenger seat of the vehicle.

386. At approximately 5:27 p.m. [TP8 Session # 103], RIVERA, who was using Target Phone 8, had a conversation with DIAZ, who was using Diaz Phone 1. During this call, DIAZ stated, “I’m right here inside the parking lot of Zacatacos.” RIVERA asked, “In which one are you in, what car?” DIAZ replied, “I’m right here, in front of you, right here, come over here.”

²⁴ Agents identified Fernandez Vehicle 1 as follows: The vehicle is registered to Fernandez’s suspected live-in girlfriend, Individual F, at Fernandez Residence 1. Surveillance has observed Fernandez driving Fernandez Vehicle 1 on numerous occasions in the course of this investigation.

387. At about the same time as this call, surveillance observed RIVERA, while seated in the passenger seat of Fernandez Vehicle 1, pass a white grocery bag into the passenger window of a Chrysler Pacifica (“Diaz Vehicle 1”) occupied by a male driver and female passenger, who were later identified as ADALBERTO and Individual H.

388. At approximately 5:31 p.m. [TP8 Session # 105], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ asked, “Oh, tell me, what happened. Did you see him [DIAZ] after all, or what?” RIVERA responded, “Yes, I already met with that dude [DIAZ]. I already gave him that [one kilogram of heroin].”

b. HERNANDEZ stated, “Well, it’s all set [RIVERA now has a kilogram of heroin to distribute]. Hopefully, you have an opportunity to work [distribute heroin] to your people, so you can do those deposits [\$5,000 wire transfers to partially repay March 8 heroin]. . . . This man [heroin supplier] sent me the names [of the wire recipients] yesterday, and he told me in order to make the deposits [wire transfers] and I told him, ‘Yes.’ If I tell him, ‘No,’ he’ll say, ‘Those fuckers, all this time [since March 8, 2012] that they have it [two kilograms of heroin] there and they still don’t have anything [money to repay the drug debt].’ The [U/I] that is still pending [from March 8, 2012]. So do me that favor and work [sell heroin] so you can do that deposit [wire transfers to the March 8 heroin supplier].” RIVERA responded, That’s fine, buddy. I’ll have that ready for you as soon as possible.”

389. On or about May 25, 2012, at approximately 12:20 p.m. [TP8 Session #128],

RIVERA, who was using Target Phone 8, had a conversation with DIAZ, who was using Diaz Phone 1. During this call:

a. DIAZ stated, “When I left from there [the Zacatacos parking lot, where RIVERA delivered one kilogram of heroin to DIAZ on May 24], I don’t know if they [law enforcement] came out from Walgreen’s or from the front, or I don’t know from where. Man, they [law enforcement] were tailing me really bad. I was really scared. But I got through it without a problem. But we have to be cautious [of law enforcement] and I’m telling you so you’re careful.” Based on the surveillance discussed above, calls intercepted before this call, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that DIAZ spotted the surveillance cars that observed his and RIVERA’s May 24 heroin exchange, and was in this call telling RIVERA about what he saw.

b. RIVERA responded, “Alright. Leaving from Walgreens? Was it [the law enforcement vehicle] marked or unmarked?” DIAZ stated, “No, they weren’t marked. They were regular ones [unmarked vehicles]. . . . They tailed me almost all the way to the house, but I pulled over and they took off. I thought, ‘I’m going to call this guy [RIVERA] so that he’s cautious too around there,’ because it’s fucking tough.” RIVERA stated, “Yeah, it’s fucking tough.”

c. DIAZ stated, “That’s why it’s not good to be doing anything [heroin deals] around there [the Zacataco’s parking lot], where there are too many people, around those areas. It’s better to do it [heroin deal] somewhere else, where it’s more secluded.”

RIVERA stated, "Alright, alright, alright. Do you think it was, I mean, did it look bad [law enforcement purposefully surveilling DIAZ] or do you think it was just a coincidence that it happened?" DIAZ stated, "Well to be honest, it did look kind of bad, you know. But that's why I'm telling you so that you're cautious over there too. Be careful, because it's fucking tough. This is not a game."

5. RIVERA and HERNANDEZ Discuss RIVERA's Plans to Distribute the One Kilogram of Heroin that RIVERA Obtained from MIRANDA.

390. On or about May 24, 2012, at approximately 9:24 p.m. [TP8 Session #119], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. RIVERA stated, "I couldn't get anything [heroin sales] done today, buddy. I was talking with some guys but they took care of things [purchased heroin] with another dude [heroin supplier] and now I have to wait until they come around [need resupply] again."

b. HERNANDEZ asked, "The dudes [heroin buyers] that you had, where did you say they went?" RIVERA responded, "The dudes I had, like the one who wanted the five, the five-hundred grams [of heroin], he already took care of things [purchased heroin] somewhere else. No I have to wait until he returns in three or four days. Um, the dude, the one that, in other words, two other dudes that left, but they said that they do want [to buy heroin] but not right now because they left on vacation. . . . I do have a dude that wants 100 [grams of heroin] here and a hundred [grams of heroin] there. I don't know if tomorrow I

might be able to give you 300 [money for 300 grams worth of heroin], but, um, I don't think I'll be able to finish everything [selling off the whole kilogram of heroin] by Monday or Tuesday."

c. RIVERA stated, "But the lady [kilogram of heroin that RIVERA obtained from MIRANDA] did come out really pretty. It's the same, the same [same quality as the March 8 heroin]. It's really heavy and dry. Everything came out fine."

d. RIVERA stated, "I know that everything [the entire kilogram of heroin] will be complete [sold] in one week." HERNANDEZ stated, "That's fine. Well, at least, let's see how we'll do it. At least in about three to four days, let's have about 20 to 30 [\$20,000 to \$30,000 collected from the sale of heroin]. With that, I can calm him [the May 24 heroin supplier] down and tell him that we can do it [sell the entire kilogram] and to wait two to three days more [for payment in full]. I can calm him down like that. In a couple of days, we can get him at least 25 to 30 [\$20,000 to \$30,000]. Maybe by Monday. If we can get him at least half [half of the \$55,000 purchase price] so we can have something there."

e. HERNANDEZ asked, "Do you think that tomorrow you can get something together regarding the wires [repayment for the March 8 heroin] for the dude [heroin supplier]? Because not too long, the man sent me a message in regards to the wires." RIVERA stated, "Yes, buddy. . . . A dude wanted about one hundred [100 grams of heroin] about a day or two ago. . . . Um, I also have another dude over here for another hundred [100 grams of heroin]. Well, whoever gets here first, I know that [U/I] I know that tomorrow I'll be able to get about a hundred [100 grams of heroin] together for someone. Maybe just

enough to make the wire transfers. . . . If no, I'll go ask a buddy of mine to lend them [\$5,000] to me, just to make the wires, since I know that it's important for you guys."

T. RIVERA Wire Transfers \$3,300 as Partial Repayment for the Two Kilograms of Heroin that He Obtained on March 8, 2012 (May 26, 2012).

391. As discussed above, on or about May 23, 2012, HERNANDEZ directed RIVERA to wire transfer \$5,000 as partial repayment for the heroin that RIVERA obtained through HERNANDEZ on or about March 8, 2012; and HERNANDEZ repeatedly followed up with RIVERA on the status of those transfers thereafter.

392. On or about May 25, 2012, at approximately 7:30 p.m. [TP8 Session #142], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ asked, "How are you doing with that [wire transfers for March 8 heroin], buddy? Because this fuckin' man [heroin supplier] keeps bothering me. He told me that, 'I helped you guys out [by fronting heroin] and I've been asking you for those wire transfers for about two to three days. Please do me that favor because my people also need money.' How are you doing with that [wire transfers], buddy?"

b. RIVERA responded, "I'm working on that right now, buddy. It's because these dudes [drug associates who owe RIVERA money] are taking longer than what I thought. Um, I'm already over here by the dude's home. I'm just waiting for him to get here. Um, as soon as he gets here, I'll go over there [Western Union] right away to get all of them [wire transfers] done."

393. On or about May 26, 2012, at approximately 6:35 p.m. [TP8 Session #176], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “He [drug associate] gave me like three and a half [\$3,500], the guy. A guy that let me borrow them [money]. Um, I have enough to send three [wires]. You tell me which three [wire recipients].” HERNANDEZ stated, “Um, give me like five minutes and I’ll call you to let you know where they [wires] are going. . . . Um, if you have another 500 [\$500] there, can you give them to LALO [TREVINO]? Because this man [heroin supplier] told me to 500 [\$500] to this fucker [TREVINO].” RIVERA stated, “Mm, well, that’s what I have, buddy. Three-thousand five hundred [\$3,500]. And then to send it, it’s like, 30 dollars [\$30 fee] each one [wire]. . . . So more or less, that’s what will remain from the three-thousand five hundred [\$3,500].”

394. At approximately 6:54 p.m. [TP8 Session #178], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “Did you get the message [on Target Phone 1]? I sent you three names [wire recipients]. Each one [wire] is to be for a thousand one-hundred [\$1,100], please. Send them over here to Guadalajara, Jalisco [Mexico].”

395. At approximately 10:37 p.m. [TP8 Session #188], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “Here go the numbers [wire transfer confirmation codes], buddy.” HERNANDEZ stated, “I’m driving right now, buddy,” and asked RIVERA to give him the codes later.

396. On or about May 27, 2012, at approximately 11:21 a.m. [TP8 Session #193], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During these calls:

a. RIVERA provided the names and confirmation codes for three wire transfers, including a wire transfer from Individual F to “ANTONIO HERNANDEZ.”

b. RIVERA stated, “And the last one [wire transfer], it’s for you, right buddy? It’s ANTONIO HERNANDEZ.” Based on this call, agents identified “TONO” as ANTONIO HERNANDEZ.

c. HERNANDEZ then stated, “Its set. How much [money] is it they [heroin suppliers] are going to get over here, buddy? Because the people over here are fucking jerks and don’t know how much they would give.” RIVERA responded, “Well, we sent \$1,100. It says here, mm, ‘Total amount, 15,183 *pesos*.’”

397. Records subpoenaed from Western Union confirm the above-referenced wire transfers were in fact sent to individuals in Mexico on May 26, 2012, each in the amount of \$1,100, for a total of \$3,300.

398. Based on the intercepted calls discussed above and below, Western Union records, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that on or about May 26, 2012, Individual F and another woman, both acting at the direction of RIVERA, together wired a total of \$3,300 in narcotics proceeds to three different individuals that HERNANDEZ identified as a partial repayment for two-kilograms of heroin fronted to RIVERA on or about March 8, 2012.

U. RIVERA Delivers \$20,000 to Individual U and Wire Transfers \$5,000, Both as Partial Repayments for the Kilogram of Heroin that RIVERA Obtained on May 24, 2012 (June 8, 2012).

399. As discussed in detail below, on or about June 8, 2012, FERNANDEZ, at the direction of RIVERA, delivered \$20,000 to Individual U, as partial repayment for the one kilogram of heroin that RIVERA obtained on May 24, 2012. On or about the same day, FERNANDEZ and three other individuals, each at the direction of RIVERA, wire transferred a total of \$5,000 to five different individuals, as further repayment for the kilogram of heroin that RIVERA obtained on May 24. RIVERA arranged for both of these payments at the direction of HERNANDEZ.

1. HERNANDEZ Directs RIVERA to Deliver \$20,000 to Individual U as Partial Repayment for the May 24 Kilogram of Heroin.

400. On or about June 2, 2012, at approximately 10:39 a.m. [TP8 Session #256], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. RIVERA stated, "I talked to the guy [a heroin distributor] the day before yesterday and he said he was going to have something [proceeds from the sale of heroin supplied by RIVERA] ready for me yesterday or today, so I'm going to pick up at least 20 or 30 *pesos* [\$20,000 or \$30,000]. I will call you later to ask you where to take them."

b. HERNANDEZ stated, "As long as you can get me about 20 [\$20,000], please, because this man [supplier of the May 24 heroin] needs at least 20 or 25 [\$20,000 or \$25,000]. If you can do that later so we can give it [money] to this man because he has to

give it to the other man because they lent it [kilogram of heroin] to him.”

c. RIVERA stated, “That’s fine. I’m going to call this guy [drug distributor] early to see if I can see him in a couple of hours. I will call you to ask you where I need to go take the papers [money].”

401. On or about June 4, 2012, at approximately 10:45 p.m. [TP8 Session #316], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. RIVERA stated, “So we can take care of that account [drug debts]. The old one and all the shit [money owed for the March 8 and May 24 heroin deliveries]. . . . I have like 20 *pesos* [\$20,000]. If you want, I can bring them over tomorrow around 1 [o’clock] ‘cause I’m just getting to the house.”

b. HERNANDEZ stated, “Oh, that’s fine buddy because the man [supplier of the May 24 heroin] is angry, upset. ‘I told you dude, not to make me look bad.’ I told him [supplier], ‘Look, this guy [RIVERA] went out, but this afternoon.’ He said, ‘Take care of it [repayment for the May 24 heroin] because you know that I borrowed these [the May 24 kilogram of heroin]. . . .’ He says, ‘Mine [the kilogram of heroin that RIVERA delivered to DIAZ] have already arrived. There isn’t a lot of problems with mine. But these borrowed ones [May 24 heroin], you know I don’t like to borrow [take heroin on credit]. I did it so you [HERNANDEZ and RIVERA] can continue working [selling heroin].’ Because I had told him that the people [heroin distributors] were getting sick [had no heroin supply] and they needed the food [heroin]. . . And he [supplier] says, ‘Tell him [RIVERA] to get it going

[start repayments] because mine [the kilogram of heroin that RIVERA delivered to DIAZ] are there. It's a different thing with mine. But take care of the borrowed ones [the May 24 kilogram of heroin that RIVERA obtained on credit].”

c. RIVERA stated, “Yeah, buddy. I took a little while [to repay for the May 24 heroin] because everyone was away from this area last weekend. . . . During that time, I did lose two guys [buyers] that were coming over for 250 [grams of heroin] each, and with those [sales], I was going to complete [make] the first 30 [\$30,000 repayment for the May 24 heroin]. Little by little, everything [the kilogram of heroin] is getting out, but it's going to. Tomorrow, I'll give you the 20 *pesos* [\$20,000], and in two or three days, I'll take care of [repay] the rest [of the debt from the May 24 heroin]. . . . The other guy that wanted the 500 [grams of heroin], he went somewhere and I'm waiting for him until he's ready [for a resupply of heroin]. . . . If everything works out, I might be able to clear [pay off] all the accounts [drug debts] this weekend. The old one and everything [debts related to both the March 8 and May 24 heroin deliveries].”

d. HERNANDEZ stated, “I'll give you a call . . . so this guy [heroin supplier] can tell whom . . . deliver the tickets [\$20,000] to.”

402. On or about June 5, 2012, at approximately 4:00 p.m. [TP1 Session #20462], RIVERA, who was using Target Phone 1, received a text message from HERNANDEZ, who was using Hernandez Phone 2. In this message, HERNANDEZ wrote, “872 237 7346 [Individual U Phone 1] to call him on behalf of *Blanco*.” Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my

training and experience as a Special Agent, I believe that HERNANDEZ in this message provided RIVERA with contact information for the person to whom RIVERA was to deliver a partial repayment for the heroin he obtained on May 24, 2012. That individual was subsequently identified by agents as Individual U.

403. At approximately 4:06 p.m. [TP1 Session #20463], RIVERA, who was using Target Phone 1, received a text message from HERNANDEZ, who was using Hernandez Phone 2. In this message, HERNANDEZ wrote, “Buddy call these people [Individual U] for the papers [repayment for the May 24 heroin].”

2. HERNANDEZ Directs RIVERA to Wire Transfer \$5,000 to Various Recipients as Partial Repayment for the May 24 Kilogram of Heroin.

404. On or about June 5, 2012, at approximately 4:51 p.m. [TP1 Session #20469], RIVERA, who was using Target Phone 1, received a text message from HERNANDEZ, who was using Hernandez Phone 2. In this message, HERNANDEZ wrote, “Cousin besides the 20 [\$20,000 partial repayment for the May 24 heroin, discussed above] we need to make 5 deliveries [wire transfers] of a thousand [\$1,000] I will send you the names [wire recipients.] They [wire transfers] are to Iguala Guerrero [Mexico].”

405. At approximately 4:51 p.m. [TP1 Session #20470], RIVERA, who was using Target Phone 1, received a text message from HERNANDEZ, who was using Hernandez Phone 2. In this message, HERNANDEZ provided the names of Individual O, Individual P, and Individual Q. Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe

that HERNANDEZ in this message identified the wire recipients to whom RIVERA was to send five wire transfers of \$1,000 each, for a total of \$5,000, as partial repayment for the kilogram of heroin RIVERA obtained on May 24.

406. At approximately 11:14 p.m. [TP1 Session #20497], RIVERA, who was using Target Phone 1, received a text message from HERNANDEZ, who was using Hernandez Phone 2. In this message, HERNANDEZ wrote, “Cousin do me the favor of sending the money [\$20,000 payment to Individual U] early tomorrow and the deliveries of these people [five wire transfers] they [heroin suppliers] are pestering a lot.”

3. FERNANDEZ, at the Direction of RIVERA, Delivers \$20,000 to Individual U as Partial Repayment for the May 24 Kilogram of Heroin.

407. On or about June 8, 2012, at approximately 3:35 p.m. [TP1 Session #20783], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, RIVERA stated, “I want you to swing by on me [Rivera Residence B], man.” FERNANDEZ responded, “Alright then.”

408. On or about June 8, 2012, at approximately 3:36 p.m. [TP8 Session #316], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ stated, “This guy [heroin supplier] keeps bothering me and asking what happened and what did we [RIVERA and HERNANDEZ] decide on doing [with the repayments for the May 24 heroin] after all. . . . You see that you’re late a couple of days . . .” RIVERA stated, I still have [U/I] the 20 [\$20,000]. . . . And actually, I just

picked up another five [\$5,000]. So like, I have 25 dollars [\$25,000] there. If you want me to deliver them now. Who do I call? Do you want me to call the number [Individual U Phone 1] that you sent me?”

b. HERNANDEZ responded, “Give them [Individual U] a call, buddy. Call them right now. Look, buddy, give them [Individual U] 20 [\$20,000]. I don’t know if you received some messages [HERNANDEZ’s June 5 text messages] because this fucking old man [heroin supplier] also wants some deposits [wire transfers]. A thousand [\$1,000] to each [recipient], please buddy. . . . He’s been bothering me as well. . . . So me the favor to call him [Individual U] already, please. And give him 20 [\$20,000] and see if, with the other five [\$5,000] that you have, you can make those deposits [wire transfers]. Did you get the [text] messages? With the names?”

c. RIVERA responded, “Alright, um, if you want, it’s fine, buddy. I’ll give them [Individual U] the 20 [\$20,000] and I’ll send the other [\$5,000 as wire transfers]. When you sent me the [wire recipient] names, you only sent me three, buddy. The same three?” HERNANDEZ responded, “I’ll send you the other ones, right now. They are five [recipients], buddy. They are five at one thousand. I’ll send you the other two [names]. Meanwhile, could you call this man [Individual U], will you? I think that, you have his number, right? I sent it to you. On behalf of *Blanco*.”

409. At approximately 6:21 p.m. [TP8 Session #420], RIVERA, who was using Target Phone 8, had a conversation with Individual U, who was using Individual U Phone 1. During this call, RIVERA stated, “Yes, I’m calling on behalf of *Blanco*.” Individual U

stated, “Oh, yeah. What’s up?” RIVERA asked, “Where do you want me to meet you, so I can give you the papers [\$20,000 partial repayment for the May 24 heroin].” Individual U stated, “I’m on the northside [of Chicago] by Fullerton . . . and Cicero.” RIVERA then stated as an aside to another individual, whom I believe was FERNANDEZ, “Would you be able to go to Fullerton and Cicero?” RIVERA then stated to Individual U, “Alright, I have my buddy [FERNANDEZ] and he’ll go over to the northside . . . so he can see you and give you the papers [\$20,000].” Individual U stated, “Okay, tell him to call me and wherever he arrives, it would be better, so it would be easier, I’ll go where he is, then.”

410. At approximately 6:50 p.m. [TP8 Session #421], RIVERA, who was using Target Phone 8, had a conversation with Individual U, who was using Individual U Phone 1. During this call, RIVERA stated, “Look, my buddy [FERNANDEZ] is going to be around there by Thomas and Pulaski [intersection near 1058 N. Harding in Chicago, Illinois (“Fernandez Family Residence 1”)]. . . . His mother lives there. He’s going to call your phone. In like 45 minutes, he will be there.” Individual U stated, “Okay, that’s fine. That’s fine. I kind of know where that is.”

411. At approximately 6:55 p.m. [TP8 Session #423], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “My buddy [FERNANDEZ] is on his way to drop off the papers [\$20,000] with the man [Individual U]. He has to go North. He should be over there in 45 [minutes] or an hour. And as soon as he is done with that, he’s going to go make the [\$5,000] wire transfers. The wire transfers should be done in two hours.” HERNANDEZ

stated, "Alright, then let me go ahead and send a message to this guy [heroin supplier]. Let me, him that they are on their way [to exchange \$20,000] so he can stop bothering me. Please make sure your buddy [FERNANDEZ] doesn't forget the wire transfers."

412. At approximately 8:15 p.m. [TP1 Session #20831], RIVERA, who was using Target Phone 1, had a conversation with FERNANDEZ, who was using Fernandez Phone 1. During this call, FERNANDEZ stated, "I already gave it [\$20,000] to him [Individual U]." RIVERA stated, "Cool." RIVERA later asked, "You're gonna' go do that other thing [five wire transfers in the total amount of \$5,000] right now?" FERNANDEZ responded, "Yeah, I'm doing that shit [wire transfers] right now. As soon as I'm done, I'll give you the number [confirmation codes] and shit."

413. At approximately 9:03 p.m. [TP8 Session #429], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, "He [FERNANDEZ] already gave the paper [\$20,000] to the man [Individual U], buddy. Um, just the 20 [\$20,000], buddy. . . . He's sending the other papers [\$5,000 wire transfers]." HERNANDEZ stated, "Alright, it's set, buddy. When you get a chance, . . . call me so I can jot down the names and all [sender names and wire confirmation codes]."

414. Based on the intercepted calls discussed above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) on or about June 8, 2012, FERNANDEZ, at the direction of RIVERA, met with Individual U near Fernandez Family Residence 1; and (b) during that meeting,

FERNANDEZ gave Individual U \$20,000 as partial repayment for the one kilogram of heroin that was fronted to RIVERA on May 24, 2012.

4. RIVERA Wire Transfers \$5,000 as Partial Repayment for the Kilogram of Heroin that RIVERA Obtained on May 24, 2012 (June 9, 2012).

415. On or about June 9, 2012, at approximately 11:28 a.m. [TP8 Session # 434], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “I have all the numbers [wire transfer confirmation numbers] here.” HERNANDEZ and RIVERA agreed to speak later that day.

416. Between approximately 11:54 a.m. and 11:59 p.m. [TP8 Session ## 436, 437, 438, 440 and 441], RIVERA, who was using Target Phone 8, had multiple push-to-talk conversations with HERNANDEZ, who was using Hernandez Phone 1. During these calls, RIVERA provided the sender and recipient names, and confirmation codes, for five wire transfers sent by FERNANDEZ and three other individuals,

417. Records subpoenaed from Western Union confirm the above-reference wire transfers were in fact sent to Mexico, to Individual O, Individual P, Individual Q, and two others, on June 8, 2012, each in the amount of \$1,000, for a total of \$5,000.

418. Based on the intercepted calls discussed above and below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that on or about June 8, 2012, FERNANDEZ and three others, each acting at the direction of RIVERA, together wired a total of \$5,000 in narcotics proceeds to five different

individuals identified by HERNANDEZ, as partial repayment for the kilogram of heroin that RIVERA obtained on May 24, 2012.

V. RIVERA Gives TREVINO \$500 as Partial Repayment for the Heroin RIVERA Obtained on May 24, 2012 (June 9, 2012).

419. On or about May 29, 2012, at approximately 2:06 p.m. [TP8 Session # 205], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ stated, “See if you can lend LALO [TREVINO] five points of the small ones [five grams of heroin] later today. This man [heroin supplier] told me that they [the suppliers] were going to give it [the heroin sample] to a friend of his [TREVINO] so he can try it out or I don’t know what the fuck, for a new guy. If you see him [TREVINO] later, can you give him those five [grams of heroin]? And if you have 200 or 300 *pesos* [\$200 or \$300], because he [TREVINO] keeps calling me since yesterday, and I told him that you weren’t available. He [TREVINO] kept calling me yesterday to ask if you had money. . . . So if you have 200 to 250 *pesos* [\$200 to \$250] and give him the five points [five grams of heroin] because they’re [heroin buyers] going to pay him for those [five grams of heroin] anyway.”

b. RIVERA responded, “That’s fine. I will get that [five grams of heroin and \$200 to \$300] together for him [TREVINO] and deliver them to him. Let me give LALO [TREVINO] a call and I will make arrangements later to go see him.”

420. At approximately 2:08 p.m. [TP8 Session # 206], RIVERA, who was using

Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “If you have time later today, if you have 250 [\$250] so you can give them [money] to LALO [TREVINO] because this man [heroin supplier] told me since last time to give him 500 [\$500]. And LALO [TREVINO] was calling me yesterday,²⁵ and I told him that you were probably out. So if you have about 250 [\$250] and just lend him five points [five grams of heroin], please, because he’s going to give them [five grams of heroin] to another man, then we can give him [TREVINO] the entire 500 [\$500].” RIVERA stated, “Alright, then. I will get that together for him. I will contact him. I’ll talk to him.”

421. Based on subsequently intercepted calls (*see* ¶¶ 446-49, below), my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that HERNANDEZ in these two calls advised RIVERA that RIVERA owed TREVINO \$500 as partial repayment for the May 24 kilogram of heroin, and instructed RIVERA to satisfy that debt by giving TREVINO \$250 cash and five grams of heroin.

422. On or about June 2, 2012, at approximately 10:39 a.m. [TP8 Session #256], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. As discussed above, RIVERA advised HERNANDEZ that he would soon have \$20,000 to \$30,000 available for repayment for the kilogram of heroin he obtained

²⁵ Toll records for Trevino Phone 1 show that there were approximately 16 calls between Trevino Phone 1 and Hernandez Phone 1 on or about May 28, 2009.

on May 24 (*see* ¶ 400, above).

b. After discussing the \$20,000 to \$30,000 repayment, RIVERA stated, “And the one [repayment] for LALO [TREVINO], since I haven’t had anything [money from the sale of heroin], that’s why I haven’t given him anything [money]. But if you want, I can give him something also today.”

c. HERNANDEZ responded, “Yes, please do me the favor because he’s [TREVINO’s] getting on my fucking nerves. He calls me every day asking me what’s going on [with RIVERA’s repayments for the May 24 heroin]. I really don’t want you guys to end in bad terms because you’re friends. He calls every day asking me if I told you about it [money owed to TREVINO].”

d. HERNANDEZ later stated, “Well, see if you can give him [TREVINO] 500 [\$500] because he’s been calling me for two to three days and this man [supplier of the May 24 heroin] had told me to give him that. . . . So if you can meet with him [TREVINO] a little later, please do me that favor.”

423. On or about June 8, 2012, at approximately 7:01 p.m. [TP8 Session #426], RIVERA, who was using Target Phone 8, had a conversation with TREVINO, who was using Trevino Phone 1. During this call, TREVINO stated, “I’m still waiting on the promise, man, that we did [partial repayment for the heroin RIVERA obtained on May 24].” TREVINO asked, “Did you talk to that guy [HERNANDEZ]?” RIVERA stated, “Yes, everything is set. Hey, I want to go drop off some money. Um, where do I see you? Come over here? Go over there? Or how? Or tomorrow, the day after, or Monday, Tuesday,

when?” TREVINO stated, “Later, I’ll go over there [to Rivera Residence B].” RIVERA stated, “We’ll see what we decide to do, bro. But I already have something [money] for you here.”

424. On or about June 9, 2012, at approximately 11:59 a.m. [TP8 Session # 441], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ asked, “Hey, did you end up giving LALO [TREVINO] a call?” RIVERA responded, “Yes. I called him. But I never went to go see him. But I am on my way to 26th Street to go see LALO [TREVINO].”

425. At approximately 12:28 p.m. [TP8 Session # 443], RIVERA, who was using Target Phone 8, had a conversation with TREVINO, who was using Trevino Phone 1. During this call, RIVERA stated, “I’m over here by 26th Street, buddy. . . . I’m going to be at the barber shop. . . . Pass by there in about ten minutes?” TREVINO stated, “Alright.”

426. At approximately 1:01 p.m. [TP8 Session # 444], RIVERA, who was using Target Phone 8, had a conversation with TREVINO, who was using Trevino Phone 1. During this call, TREVINO asked, “Where are you?” RIVERA responded, “Right here at the barber shop.” TREVINO stated, “I’m right in front of the house. I’ll be over there [by the barber shop].” RIVERA later stated, “Alright then, LALO [TREVINO]. Come over.”

427. At approximately 8:52 p.m. [TP8 Session #446], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

- a. RIVERA stated, “I gave five *pesos* [\$500 partial repayment for drug

debt] to LALO [TREVINO]. He [TREVINO] said that you had said that it [the expected repayment] was a complete *pesos* [\$1,000], no?”

b. HERNANDEZ stated, “I told him [TREVINO] that you were going to give him 500 [\$500] and when you’re done [selling fronted heroin], you would give him the other 500 [\$500]. LALO [TREVINO] is behind [on drug debt repayments] from last week. The 500 [\$500] were from [a drug debt due] last week and this week they [drug associates] were going to give him another 500 [\$500]. Yeah, I said I was going to give him a *pesos* [\$1,000], but, I said that [the full \$1,000 would not be available] until you [RIVERA] were done with all the work [done selling fronted heroin]. Because, right now, there is no money to give him [TREVINO]. I told him to wait until today, tomorrow, or Monday [for payment]. Depending when you [RIVERA] are done [selling the heroin], we’ll give him [TREVINO] what the man [heroin supplier] said that we owe him. So how much did you give him, 500 [\$500]?” RIVERA stated, “Yeah, I gave the five *pesos* [\$500].”

428. Based on the intercepted calls discussed above and below (including ¶¶ 446-49, below), my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) on or about June 9, 2012, soon after 1:01 p.m., RIVERA met with TREVINO; (b) during that meeting, RIVERA, at the direction of HERNANDEZ, gave TREVINO \$500; and (c) that \$500 was partial repayment for the one kilogram of heroin that RIVERA obtained from MIRANDA and through HERNANDEZ on May 24, 2012.

W. RIVERA Gives Individual U, UF 2, and TREVINO \$20,500, \$7,000, and \$500, Respectively, as Partial Repayment for the Kilogram of Heroin RIVERA Obtained on May 24, 2012 (June 11, 2012).

429. As discussed in detail below, on or about June 11, 2012, RIVERA, at the direction of HERNANDEZ, delivered (a) \$20,500 to Individual U; (b) \$7,000 to UF 2; and (c) \$500 to TREVINO; all as partial repayment for the one kilogram of heroin that RIVERA obtained from MIRANDA and through HERNANDEZ on May 24, 2012. On that same day, RIVERA and HERNANDEZ discussed in detail (a) the payments to date that RIVERA had made to pay of his debts for the two shipments of heroin that he (RIVERA) received on March 8 and May 24, 2012; and (b) how much money still owed for each shipment.

1. FERNANDEZ, at the direction of RIVERA, Delivers \$20,500 to Individual U as Partial Repayment for the Kilogram of Heroin that RIVERA Obtained on May 24, 2012.

430. On or about June 11, 2012, at approximately 10:50 a.m. [TP8 Session #459], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “I have a dude, . . . he’s ready for a whole one [kilogram of heroin]. Um, right now I’m going to head out and pick up the papers [money], the ones I still need to finish [pay] off the last of it [money RIVERA owed on the May 24 heroin shipment]. Do you think that once I give those papers [pay off the May 24 heroin debt] that they’ll [heroin suppliers] give me one there, the same [one kilogram of heroin] and then by tonight, by this evening they can give me another one [kilogram of heroin]?” HERNANDEZ responded, “Yes, like around what time do you think you’ll be ready with the papers [money for the May 24 heroin debt]? So I could go ahead and send

this man [heroin supplier] a message, to tell him when we take the papers [money], so that he could lend us another one [kilogram of heroin].” RIVERA and HERNANDEZ then made arrangements to speak later that day.

431. Between approximately 11:22 a.m. and 11:55 a.m., surveillance observed RIVERA and FERNANDEZ in Fernandez Vehicle 1 drive from Rivera Residence B to Wallace Residence 1. At approximately 11:55 a.m., surveillance observed Fernandez Vehicle 1 parked in front of Wallace Residence 1. Approximately five minutes later, surveillance observed RIVERA and FERNANDEZ exit Wallace Residence 1 and depart in Fernandez Vehicle 1. Based on previously and subsequently intercepted calls, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) on or about June 11, 2012, at approximately 11:55 a.m., RIVERA and FERNANDEZ met with WALLACE at Wallace Residence 1; and (b) during this meeting, WALLACE gave RIVERA and FERNANDEZ narcotics cash proceeds.

432. At approximately 12:10 p.m. [TP8 Session #468]—while surveillance followed RIVERA and FERNANDEZ in Fernandez Vehicle 1—RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “Where should I take the tickets [money] to? Because I already have them. It’s just a matter of checking [counting] them. But I’m already in route to the house [Rivera Residence B] to check them. Once I arrive, I’ll check them and then I’ll be ready to hand them over.” HERNANDEZ and RIVERA agreed to speak again later that day.

433. At approximately 1:32 p.m. [TP8 Session # 476], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, “Right now, in the meantime, I have about twenty-eight [\$28,000] right here, buddy. Um, if you want, call the man [heroin supplier] so we can send them [money].” HERNANDEZ stated, “Let me call him so he can give me the code [code name for the man who would pick up the money] and I’ll call you back.”

434. At approximately 2:04 p.m. [TP8 Session # 478], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “Buddy. I already talked to this man. Call the guy, the last one you seen [Individual U] and tell him that you're calling on behalf of ‘*Rojo*’ this time. Twenty, five hundred [\$20,500], because he wants me to, later you'll give the remaining [amount due from prior drug shipments to RIVERA] to my lady [UF 2]. My lady will be making some deposits to some other people there. So right now just tell him to give this man twenty, five hundred [\$20,500].” RIVERA responded, “Twenty, five-hundred [\$20,500]?” HERNANDEZ stated, “Yeah, please buddy. Twenty, five hundred [\$20,500].” RIVERA stated, “Alright then, buddy.”

435. At approximately 2:08 p.m. [TP8 Session # 480], RIVERA, who was using Target Phone 8, had a conversation with Individual U, who was using Individual U Phone 1. During this call, RIVERA stated, “I’m calling on behalf of ‘*el Rojo*.’” Individual U replied, “Oh, yeah.” RIVERA stated, “Um, if you can swing by over by my *compadre* [FERNANDEZ] where you seen him the other time [Fernandez Family Residence 1].”

Individual U responded, “Uh-huh.” RIVERA stated, “I’ll give you what I got here [\$20,500 in narcotics cash proceeds].” Individual U advised RIVERA he would arrive at Fernandez Family Residence 1 in about two hours.

436. At approximately 4:17 p.m., surveillance observed FERNANDEZ (a) arrive at Fernandez Family Residence 1 in Fernandez Vehicle 1 with Individual F and four children, (b) exit the vehicle, and (c) enter Fernandez Family Residence 1 carrying an orange backpack. Surveillance observed Individual F and the four children depart in Fernandez Vehicle 1 approximately ten minutes later.

437. At approximately 4:45 p.m., surveillance observed a man, subsequently identified as Individual U, park in front of Fernandez Family Residence 1 in a dark green Ford Explorer (“Individual U Vehicle 1”).

438. At approximately 4:48 p.m. [TP8 Session #485], RIVERA, who was using Target Phone 8, had a conversation with Individual U, who was using Individual U Phone 1. During this call, RIVERA asked, “Are you nearby [Fernandez Family Residence 1]?” Individual U replied, “I’m here.” RIVERA then stated, “Alright, let me call my buddy [FERNANDEZ].”

439. Between approximately 4:49 pm. and 4:54 p.m. [TP1 Session ##21173, 21176, and 21183], RIVERA, who was using Target Phone 1, had three conversations with FERNANDEZ, who was using Fernandez Phone 1. During the last of these calls, RIVERA stated, “He [Individual U] just said he’s outside [Fernandez Family Residence 1]. He’s parked, bro.” FERNANDEZ stated, “I’m right here. I see his ass.” RIVERA asked, “You

see him? You got him?” FERNANDEZ stated, “Yeah, I see him. He’s walking in.”

440. At approximately the same time, surveillance observed Individual U exit Individual U Vehicle 1 and enter Fernandez Family Residence 1. Approximately one minute later, surveillance observed Individual U exit the residence carrying a black plastic bag, return to Individual U Vehicle 1, and depart the area.

441. Based on subsequently intercepted calls and a seizure discussed below, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) on or about June 11, 2012, at approximately 4:54 p.m., Individual U met with FERNANDEZ at Fernandez Family Residence 1; and (b) during that meeting, FERNANDEZ, at the direction of RIVERA, gave Individual U \$20,500 in narcotics cash proceeds as partial repayment for the one kilogram of heroin that RIVERA obtained on or about May 24, 2012.

442. At approximately 5:05 p.m., agents conducting surveillance pulled over Individual U Vehicle 1 after observing the vehicle make a right hand turn without using a turn signal. There was also a female passenger in the front seat of the car. Individual U was unable to produce a valid insurance card for the vehicle and unwilling to provide the name of the owner of the car. Agents observed that Individual U was fidgety and repeatedly opened and closed different compartments within the vehicle. Agents then asked Individual U to exit the vehicle. Once outside the vehicle, Individual U advised that there was nothing illegal inside the car and gave agents consent to search Individual U Vehicle 1.

443. In the course of this search, agents found a black plastic bag on the floorboard

of the of the front passenger seat containing approximately \$20,500 in suspected narcotics cash proceeds. Agents also found five cellular telephones, including Individual U Phone 1. Agents seized the money and phones, and released Individual U.

444. At approximately 5:11 p.m. [TP8 Session #491], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ asked, “Did you already deliver that [\$20,500 to Individual U]?” RIVERA responded, “Yes, we already saw the man [Individual U].”

445. At approximately 11:17 p.m. [TP8 Session #526], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. HERNANDEZ stated, “He [heroin supplier] called me a while ago and I was talking to him for about 15 minutes. He said that when he [Individual U] met your buddy [FERNANDEZ] and he [FERNANDEZ] gave him [Individual U] the tickets [\$20,500], they [law enforcement] pulled him [Individual U] over about a block or so away. It could have been the narcs [narcotics police] or I don’t know who the fuck, but they took the guy. They’re going to let him go, but they took from him what you gave him [\$20,500] and it seems they [heroin suppliers] want you to give another 20 bucks [\$20,000]. tomorrow. This man says that the older man [RIOS] also had a similar problem [referring to RIOS’s May 10 arrest while in possession of one kilogram of heroin] and he asked me if I knew anything. That maybe your buddy [FERNANDEZ] or something. He says, ‘Maybe it was a coincidence or something, but it seems a bit strange [that both RIOS and Individual U were

arrested while conducting heroin business with RIVERA].’ I told him, ‘No, these guys are clean [not working with or drawing the attention of law enforcement].’”

b. RIVERA stated, “I know how I gave it [\$20,500 payment] to him [FERNANDEZ]. I gave it to my buddy in a shoe box.”

c. HERNANDEZ stated, “The guy [Individual U] says he had stashed the tickets [\$20,500] well, and they [law enforcement] were searching him for about one hour and a half until they found the tickets. They took them [\$20,500] from him and this man [heroin supplier] wants another 20 tickets [\$20,000] tomorrow. . . . Do you have another person that is trustworthy that can receive and deliver [narcotics cash proceeds] so that they [heroin suppliers] don’t see you or your buddy [FERNANDEZ]? Otherwise, they’re going to be fucking bothering me. He told me, ‘If he has another guy while things cool down a bit.’” RIVERA stated, “That’s fine. I’ll take care of that.”

2. RIVERA and HERNANDEZ Discuss RIVERA’s History of Payments and Balances Due for the Kilograms of Heroin RIVERA Obtained on March 8 and May 24, 2012.

446. Throughout June 11, 2012—both before and after RIVERA delivered \$20,500 to Individual U—RIVERA and HERNANDEZ had several conversations regarding the amounts of money that RIVERA had previously paid, and still owed, on the kilograms of heroin that RIVERA obtained through HERNANDEZ on March 8 and May 24, 2012.

447. On or about June 11, 2012, at approximately 1:30 p.m. [TP8 Session #475], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call:

a. RIVERA stated, “When I sent the one-thousand one-hundred to each one [three \$1,100 wires sent on May 26, totaling \$3,300], it’s because the dude [a drug associate who owed RIVERA money] brought me three-thousand five-hundred [\$3,500], and I owed five [\$5,000 toward the two kilograms of heroin that RIVERA obtained from RIOS and through HERNANDEZ on March 8]. That’s what I still owed. And from this last one [one kilogram of heroin that RIVERA obtained from MIRANDA and through HERNANDEZ on May 24], it was, I sent the five [\$5,000, sent on June 8 via five wire transfers of \$1000 each] but I had already delivered the work [\$20,000 to Individual U on June 8]. So we are at, mm, let me look for the book [drug ledger].”

b. HERNANDEZ stated, “Yeah, yeah. Because what was pending from everything [the debt on two kilograms of heroin delivered on March 8] was like five [\$5,000]. It was four [\$4,000] or five [\$5,000] that was pending [as of May 26]. . . . It was four [\$4,000] or five [\$5,000] that was supposed to be the deposits [wire transfers on May 26]. Of some of that was still pending too [RIVERA failed to wire all \$5,000 on May 26]. And do you remember that you told me you only had three-thousand five-hundred [\$3,500]? So I told you to do the deposits [May 26 wire transfers] for one-thousand one-hundred [\$1,100]? That it was fine. But I think what was pending [prior to the \$3,300 wire transfers on May 26] was five [\$5,000] from the last one that was given to you there [delivery of two kilograms of heroin on March 8].”

448. At approximately 5:11 p.m. [TP8 Session ##491, 492, 493, and 494], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using

Hernandez Phone 1. During this call:

a. RIVERA asked, “What [amount of money toward prior drug debt] did you want me to take your lady [UF 2]?” HERNANDEZ responded, “Give her whatever is remaining, please. What did you give that man [Individual U]? Twenty, five-hundred [\$20,500]? What is the total remaining [on drug debt]? . . . You already gave me 20 [\$20,000 to Individual U on June 8], right? And five [\$5,000] for the transfers [five wires on June 8]. And the [U/I] for LALO [\$500 to TREVINO on June 9]. And the twenty, five-hundred [\$20,500 to Individual U on June 11]. So what was the total [amount repaid]? How much is remaining [on the \$55,000 debt for the purchase of one kilogram of heroin on May 24]? Like, nine [\$9,000] or eight-[\$8,000] something?”

b. RIVERA stated, “What I had there [still owed on the \$55,000 debt for the May 24 heroin prior to June 11] was twenty-eight [\$28,000], and I gave the man [Individual U] twenty and a half [\$20,500 on June 11], so that’s seven, five-hundred [\$7,500 still owed], and the five hundred [\$500] that I gave LALO [TREVINO on June 9]. It’s about seven-thousand [\$7,000 still owed].”

c. HERNANDEZ asked, “What is the total remaining [on the \$55,000 debt for the May 24 kilogram of heroin] after giving LALO [TREVINO] the five hundred [\$500 on June 9]? It would be about 9,000 [\$9,000], right? How much do they charge you [fees and costs] for each wire transfer?”

d. RIVERA responded, “Each wire transfer costs 30 or 40 dollars. No, it’s 34 [\$34]. The ones [wires] I sent for one-thousand, one-hundred [three, \$1,100 wires sent

on May 26, totaling \$3,300] cost 34 [\$34 wire fee], and the ones [wires] I sent for 1,000 [five, \$1,000 wires sent on June 8, totaling \$5,000] cost 30 [\$30 wire fee]. But since my buddy [FERNANDEZ] has to go to different locations [Western Union branches] to send them, and also get different people [Individual F and four others] to send them off, I give him one hundred dollars for each wire transfer.”

e. HERNANDEZ stated, “From the 20 the other day [\$20,000 to Individual U on June 8], and then the twenty, five-hundred right now [\$20,500 to Individual U on June 11], and the five-hundred for LALO [\$500 to TREVINO on June 9], and the wire transfers and all [five \$1,000 wires sent on June 8, totaling \$5,000], there should still be a remaining balance of eight, five-hundred [\$8,500] of what you still owe [on the \$55,000 for the kilogram of heroin delivered on May 27]. And you’re going to deliver seven [\$7,000] right now [to UF 2], so you should have a remaining balance of one-thousand five-hundred [\$1,500]. Check your tab there.”

f. RIVERA asked, “So the one-thousand five-hundred [\$1,500 due after the \$7,000 payment to UF 2] should clear everything [pay off drug debt on May 24 heroin], except for the past one [drug debt on the two kilograms of heroin delivered on March 8], right?” HERNANDEZ responded, “Right. There was one-thousand five-hundred [\$1,500] remaining from the past one [drug debt on the two kilograms of heroin delivered on March 8] when you sent the wire transfers for the one-thousand one-hundred each [three \$1,100 wires sent on May 26, totaling \$3,300, when RIVERA was supposed to send \$5,000], too, right?”

g. RIVERA responded, “Those three wire transfers were, when I delivered the last three-thousand five-hundred [\$3,500 on May 26] of the last one [payable toward the debt due on the March 8 heroin], the three transfers were for one-thousand five-hundred [\$3,500] each. So it was 33 [\$3,300 total sent] and I gave my buddy [FERNANDEZ] 37 [\$3,700] to send them [three wires] and do all that, but since they charged more for the transfers [Western Union fees and co-conspirators’ costs], I gave him [FERNANDEZ] a total of 37 [\$3,700].”

h. HERNANDEZ stated, “But do you remember that when you sent the one-thousand one-hundred [three \$1,100 wire transfers sent on May 26], that was for the other work [two kilograms of heroin delivered on March 8, not payable toward the \$55,000 due on the May 24 kilogram of heroin]. What they gave you right now for the work from last week [one kilogram of heroin on May 27], if you add the 20 that you already delivered [\$20,000 to Individual U on June 8] and the twenty, five hundred from now [\$20,500 to Individual U on June 11], plus the transfers [five \$1,000 wires sent on June 8, totaling \$5,000] and what you gave your buddy [fees and costs paid to FERNANDEZ and others who executed the wire transfers], the one-hundred [\$100 per wire] like you said, if you total it up, the only thing you owe right now is eight, five-hundred [\$8,500] for that work [the May 27 kilogram of heroin]. And right now, you’re going to deliver seven thousand [\$7,000 to UF 2], you’re going to have one-thousand five-hundred [\$1,500] pending [still due] for this one [one kilogram of heroin delivered on May 27]. . . . The other three thousand one-hundred [three \$1,100 wire transfers sent on May 26] was for the other work [two kilograms of heroin

delivered on March 8]. Do you remember that?” RIVERA responded, “Yes, we’re on the same page.”

449. Based on the intercepted calls summarized in the preceding paragraphs, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that:

a. on or about May 26, 2012, RIVERA directed FERNANDEZ and his other co-conspirators to send three wire transfers of \$1,100 each—a total of \$3,300—as partial repayment for the two kilograms of heroin that he obtained from RIOS and through HERNANDEZ on or about March 8, 2012 (*see also* ¶¶ 391-98, above);²⁶

b. before his co-conspirators sent these May 26 wire transfers, RIVERA still owed approximately \$5,000 on the two kilograms of heroin that he obtained on or about March 8, 2012; and as of 5:11 p.m. on June 11, 2012, RIVERA still owed \$1,500 toward that March 8 drug debt;

c. RIVERA agreed to pay \$55,000 for the one kilogram of heroin that he obtained from MIRANDA and through HERNANDEZ on May 24, 2012 (*see also* ¶¶ 371-79, above);

d. as of 5:11 p.m. on June 11, 2012, RIVERA had paid approximately \$46,000 toward that \$55,000 due on the May 24 heroin, including (i) FERNANDEZ’s hand delivery of \$20,000 cash to Individual U on or about June 8, 2012 (*see* ¶¶ 400-03, 407-14,

²⁶ HERNANDEZ had first directed RIVERA to wire transfer this money on or about May 23, 2012, before MIRANDA delivered an additional kilogram of heroin to RIVERA on May 24, 2012.

above); (ii) the five June 8, 2012, wire transfers totaling over \$5,000 (including fees and costs) (*see* ¶¶ 404-06, 415-18, above); (iii) RIVERA's hand delivery of \$500 to TREVINO on or about June 9, 2012 (*see* ¶¶ 419-28, above); and (iv) FERNANDEZ's hand delivery of \$20,500 cash to Individual U on or about June 11, 2012 (*see* ¶¶ 430-45, above);

e. RIVERA agreed to deliver another \$7,000 to UF 2 on or about June 11, 2012, as partial payment toward that \$55,000 drug debt; and

f. after RIVERA delivered \$7,000 to UF 2, he still owed \$1,500 on the kilogram of cocaine that he obtained on May 24.

3. RIVERA Delivers \$7,000 to UF 2 as Partial Repayment for the Kilogram of Heroin he Obtained on May 24, 2012.

450. On or about June 11, 2012, at approximately 5:17 p.m. [TP8 Sessions #494], RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, RIVERA stated, "I left the house, but I have the seven [\$7,000] with me since I'm going to the North-side [of Chicago] right now, I figured I would pass by and drop off the papers [\$7,000] to your lady [UF 2]." RIVERA and HERNANDEZ then agreed to speak again later that day. Based on calls intercepted before and after this call, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that RIVERA in this call was referring to the \$7,000 that he previously agreed to give UF 2 as partial repayment for the one kilogram of heroin that he obtained on May 24, 2012.

451. On or about June 11, 2012, at approximately 8:07 p.m. [TP8 Session #514],

RIVERA, who was using Target Phone 8, had a conversation with HERNANDEZ, who was using Hernandez Phone 1. During this call, HERNANDEZ stated, “I’m going to send you the cell phone number for the little girl’s mom so call her when you’re there. She [UF 2] said she’s going to be by the trees where you have seen her before [in prior meetings]. I’m going to send you her cell phone number so you can call her [UF 2].” RIVERA responded, “Alright.”

452. On or about June 11, 2012, at approximately 8:10 p.m. [TP1 Session #21219], RIVERA, who was using Target Phone 1, received a text message from HERNANDEZ, who was using Hernandez Phone 1. In this message, HERNANDEZ wrote, “7734305288 [“UF 2 Phone 1”].” Based on calls intercepted before and after this text message, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that the number that HERNANDEZ provided in this text message was a telephone used by UF 2.

453. On or about June 11, 2012, at approximately 8:38 p.m. [TP8 Session #515], RIVERA, who was using Target Phone 8, had a conversation with UF 2, who was using UF 2 Phone 1. During that call, RIVERA identified himself as “TONO’s [HERNANDEZ’s] friend” and arranged to meet UF 2 “in about ten minutes.”

454. At approximately the same time, surveillance observed RIVERA driving Rivera Vehicle 2 southbound on Harlem Avenue from Cermak. Surveillance observed RIVERA (a) stop for a train, (b) exit the driver's seat of Rivera Vehicle 2, (c) open the rear hatch, (d) remove a brown paper bag from the spare tire wheel well, and (e) then reenter the

driver's seat. Based on calls intercepted before and after these observations, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that the brown paper bag that RIVERA obtained from under the spare tire of Rivera Vehicle 2 contained approximately \$7,000 in narcotics cash proceeds.

455. At approximately 9:05 p.m., surveillance observed RIVERA and FERNANDEZ parked in Rivera Vehicle 2 in the parking lot of a Jewel Osco store located at 41st and Harlem Avenue in Stickney, Illinois. RIVERA was in the driver's seat of the car. At approximately 9:06 p.m., surveillance observed an unidentified female approach the driver's side door of Rivera Vehicle 2, obtain a bag through the driver's side window, and walk away from the car. Based on the calls summarized in the preceding paragraphs, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that the unidentified female was UF 2, and that RIVERA at that meeting gave her \$7,000 in narcotics cash proceeds as partial repayment for the kilogram of heroin that RIVERA obtained on May 24, 2012.

4. RIVERA Delivers \$500 to TREVINO as Partial Repayment for the Kilogram of Heroin he Obtained on May 24, 2012.

456. On or about June 11, 2012, at approximately 5:50 p.m. [TP8 Session ##505 and 508], RIVERA, who was using Target Phone 8, had a conversation with TREVINO, who was using Trevino Phone 1. During this call, TREVINO stated, "TONO [HERNANDEZ] says for you top bring me a *quinina* [five hundred, meaning \$500]." RIVERA stated, "I'm right here in front of your house, man. TREVINO asked, "You're here?" RIVERA

responded, "Of course."

457. Based on previously intercepted call, my knowledge of this investigation as a whole, and my training and experience as a Special Agent, I believe that (a) RIVERA met with TREVINO at Trevino's residence soon after this 5:50 p.m. phone call on June 11, 2012; and (b) during this meeting, RIVERA gave TREVINO \$500 as partial repayment for the kilogram of heroin that RIVERA obtained on May 24, 2012.

VII. BASIS FOR NO-KNOCK ARREST WARRANTS

458. The controlled buys of firearms discussed above (*see* ¶¶ 23-30, 77-86) demonstrate that RIVERA and FERNANDEZ have access to and have been in possession of multiple firearms. In addition, in both consensually-recorded conversations and intercepted calls, RIVERA and FERNANDEZ discussed their willingness to use firearms on people. *See* ¶¶ 29, 77, 302.

459. Moreover, according to the UCA, during a meeting with RIVERA at Rivera Residence 1 on or about September 7, 2011, the UCA observed RIVERA holding a loaded shotgun. During this meeting, the UCA observed RIVERA unload "slugs," which are large marble-size projectiles capable of penetrating walls, from the shotgun's chamber. The UCA offered to buy this shotgun from RIVERA at a price above its market value, but RIVERA refused to sell the gun, referring to it as his "baby."

460. During an undercover meeting between RIVERA, the UCA, and the CS on or about November 15, 2011, RIVERA claimed that he shot three individuals in connection with a gang dispute. RIVERA stated, referring to members of the Maywood faction of the Latin Kings street gang, "[W]e were there to shoot them." RIVERA stated, "I shot three of them," and that he shot "one guy in the stomach, another nigger in the leg, and one in the ass." RIVERA stated that this

shooting occurred about a month after he was shot by members of a rival street gang.

461. According to the UCA, RIVERA secures the front door to Rivera Residence B with a long metal door stop that extends from underneath the interior door knob to the floor.

462. In addition, the UCA has observed a shotgun on top of a curio cabinet at the top of the stairs within Fernandez Residence 1 that lead from the residence's front door to the rooms that occupy the second floor. Individuals cannot enter the dwelling space of Fernandez Residence 1 without ascending this interior set of stairs.

463. Based on their past possession of firearms and expressed willingness to use firearms on people, I believe that knocking and announcing the presence of law enforcement before the arrest warrants and search warrants related to those individuals are executed would endanger law enforcement officers executing the warrant and pose the danger of the destruction of evidence.

VII. CONCLUSION

464. Based on the foregoing, there is probable cause to believe that:

a. Beginning no later than in or around December 2011, and continuing until at least June 11, 2012, DAMIAN RIVERA, PEDRO ANTONIO HERNANDEZ ACEVES, EMMANUEL FERNANDEZ, HECTOR ARIAS, and HILARIO TREVINO, did conspire with each other, and with others known and unknown, to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); in violation of Title 21, United States Code, Section 846.

b. Beginning no later than in or around February 2012, and continuing

until at least June 11, 2012, LAMONT WALLACE did conspire with Damian Rivera and with others known and unknown, to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); in violation of Title 21, United States Code, Section 846.

c. On or about May 10, 2012, ISRAEL RIOS did knowingly and intentionally possess with the intent to distribute a controlled substance, namely, one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

d. Beginning no later than on or about May 22, 2012, and continuing until on or about June 11, 2012, EUGENIO MIRANDA-APARICIO did conspire with Damian Rivera, Pedro Antonio Hernandez Aceves, and with others known and unknown, to knowingly and intentionally distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); in violation of Title 21, United States Code, Section 846.

e. On or about November 15, 2011, ARTURO ESQUIVEL CAMACHO did knowingly and intentionally distribute a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled

Substance, in violation of Title 21, United States Code, Section 841(a)(1).

f. On or about March 17, 2012, WILLIAM NUNEZ did knowingly and intentionally possess with the intent to distribute a controlled substance, namely, one hundred grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

g. On or about May 24, 2012, ADALBERTO DIAZ did knowingly and intentionally possess with the intent to distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

h. On or about March 28, 2012, DEANGELO CURTIS did knowingly and intentionally possess with the intent to distribute a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

GREGORY DONALDSON
Special Agent
Homeland Security Investigations

SUBSCRIBED AND SWORN TO BEFORE ME
this 11th day of September, 2012

The Honorable Arlander Keys
United States Magistrate Judge