
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

JUAN VIGIL

UNDER SEAL

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about January 22, 2012, in the Northern District of Illinois, Eastern Division and elsewhere, JUAN VIGIL, defendant herein:

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). I further state that I am a Special Agent with the Drug Enforcement Administration, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
B. Colin Dickey
Special Agent, Drug Enforcement Administration

Sworn to before me and subscribed in my presence,

September 18, 2012 at Chicago, Illinois
Date City and State

Maria Valdez, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

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

AFFIDAVIT

I. Introduction

I, B. Colin Dickey, Special Agent of the Drug Enforcement Administration, United States Department of Justice, having been duly sworn under oath, state as follows:

1. I am a Special Agent with the Drug Enforcement Administration (“DEA”) and have been so employed since approximately 2004. As part of my official duties, I investigate criminal violations of federal narcotics laws, including, but not limited to, Title 21, United States Code, Sections 841 and 846. I have received special training in the enforcement of laws concerning controlled substances. I am familiar with and have participated in all of the normal methods of investigation including, but not limited to, search warrants, visual surveillance, electronic surveillance, the debriefing of defendants, witnesses, informants and others who have knowledge of the distribution of controlled substances, as well as the use of informants. Based on my training and experience, I am familiar with the ways in which drug traffickers conduct their drug-related business, including, but not limited to, their methods of distributing narcotics, their use of telephones, and their use of code words to identify themselves and the nature of their communications.

2. The statements contained in this Affidavit are based on: (a) my personal participation in this investigation; (b) information provided to me by other federal, state, and local law enforcement officers; (c) my training and experience and the training and experience of other law enforcement agents with whom I have spoken; (d) my review of information derived from the court-authorized interception of wire communications; (e) my review of consensually recorded

conversations; (f) physical surveillance conducted by law enforcement agents and officers, which I have either participated in or has been reported to me either directly or indirectly; (g) my review and analyses of telephone toll records, pen register and trap and trace data and cell site information; (h) my review of information derived from law enforcement and commercial database records; (i) my review of information derived from criminal history records maintained by the Chicago Police Department, Illinois State Police and National Crime Information Center; (j) my review of drivers' license and automobile registration records from various states, including records of the Illinois Secretary of State; (k) my review of information provided by cooperating sources, witnesses and other individuals; and (l) laboratory analysis reports.

3. This affidavit is submitted in support of a criminal complaint alleging that on or about January 22, 2012, JUAN VIGIL did knowingly and intentionally possess with intent to distribute a controlled substance, namely, one kilogram or more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(a)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that VIGIL committed the offenses alleged in the complaint.

II. Background

4. Beginning in 2010, DEA agents have received information from a confidential source ("CS-1")¹ regarding the drug trafficking and money laundering activities of a Mexican based drug

¹ According to a criminal history database check, CS-1 has no prior arrests or convictions. CS-1 is currently cooperating with DEA for monetary compensation. To date, CS-1 has been paid approximately \$23,000.

trafficking organization (“the DTO”). According to CS-1, since at least 2010 until on or about July 2012,² a high ranking member of the DTO who was located in Mexico (the “Mexican SOS”) oversaw, on behalf of the DTO, the distribution of large quantities of cocaine and heroin and the collection of large quantities of drug proceeds in multiple locations in the United States, including Chicago, Illinois, Atlanta, Georgia and elsewhere.

5. According to CS-1, in 2011, the Mexican SOS contacted CS-1 and asked CS-1 to further drug trafficking and money laundering operations on behalf of the DTO in the Chicago area. The Mexican SOS advised that CS-1 would be responsible for the collection, counting and disbursement of monies derived from the sale of cocaine by the DTO in Chicago. CS-1 agreed and worked for the DTO in Chicago, while under the supervision of DEA, from approximately December 2011 to January 2012.

6. As set forth in greater detail below, the information provided by CS-1 has been corroborated by independent investigation, including physical surveillance, consensually recorded telephone calls and text messages, meetings between CS-1 and members of the DTO, including VIGIL, controlled narcotics transactions with members of the DTO, narcotics seizures from members of the DTO, including VIGIL, and field and laboratory tests indicating the presence of heroin.

7. At various times between December 6, 2011 and February 2, 2012, DEA intercepted all consensual wire and electronic communications over Subject Phone 1, Subject Phone 2, Subject Phone 3 and Subject Phone 5, all of which were used by CS-1, pursuant to interception orders signed

² According to CS-1 and Mexican media sources, in approximately July 2012, the Mexican SOS was killed in Mexico.

by the Chief Judge or Acting Chief Judge for the United States District Court for the Northern District of Illinois.³

8. As set forth in further detail below, based on: (a) court authorized consensually intercepted telephone calls and electronic communications, (b) physical surveillance, (c) analysis of information provided by CS-1, (d) an in-person meeting between VIGIL and CS-1, (e) a consensual search of VIGIL's hotel room on January 22, 2012, (f) the seizure of approximately 1.5 kilograms of heroin from VIGIL on January 22, 2012, and (g) VIGIL's admissions to law enforcement, DEA agents identified VIGIL as a courier for the DTO.

III. January 22, 2012 Seizure of Approximately 1.5 Kilograms of Heroin from VIGIL

9. In summary, after a series of telephone calls with members of the DTO, including the Mexican SOS, CS-1 was instructed to meet with an individual subsequently identified as VIGIL⁴ at a hotel room in order to receive a shipment of heroin from VIGIL. On January 22, 2012, CS-1, while wearing an audio recording device, met with VIGIL at a hotel in Chicago, Illinois. During the meeting, DEA agents approached VIGIL and obtained VIGIL's consent to search VIGIL's hotel room and found approximately 1.5 kilograms of heroin in a book bag in VIGIL's hotel room. After waiving his Miranda rights, VIGIL admitted to DEA agents that he knew narcotics were contained

³ 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.

⁴ The identification of VIGIL is based on the following: On January 22, 2012, pursuant to intercepted telephone calls over Subject Phone 5 and at the direction of other drug associates, specifically Call #158, CS-1 was directed to meet with the individual now known as VIGIL at the Midway Inn, located on the 5300 block of South Pulaski Road, Chicago, Illinois, in room 138. During this same call, an unidentified drug associate told CS-1 that CS-1 would be meeting with "Juan" and that he is "64 years old." This is consistent with VIGIL's date of birth and full name. On January 22, 2012, upon traveling to the Midway Inn, CS-1 knocked on the door of room 138 and met with a person subsequently arrested, who identified himself as "Juan VIGIL." Fingerprints taken from VIGIL on January 22, 2012, confirm his identification.

within the book bag.

A. During a Series of Telephone Calls with Various Members of the DTO, CS-1 Was Instructed to Obtain a Shipment of Heroin from VIGIL

10. On January 20, 2012, at approximately 11:36 a.m., CS-1, using Subject Phone 5, placed an outgoing call (#119) to Individual A, who was using Universal Fleet Member Identifier (“UFMI”)⁵ 72*15*XXXXX.⁶ During this call, Individual A said, “Uh, I’m calling you because they [the DTO] gave me your radio [Nextel push-to-talk number].” CS-1 advised, “Yeah, yeah.” Individual A stated, “Okay. Look, there’s a package [shipment of heroin] down there in San Antonio. Uh, the guy [a member of the DTO] was telling me that, that if you can receive it [the shipment of heroin] between 6:00 and 7:00?” CS-1 responded, “Okay. Between 6:00 and 7:00 in the evening? Okay, that’s fine. Did Individual C [member of the DTO] tell you?” Individual A replied, “Yeah, but he’s going to give you a radio [UFMI]. It’s because this guy [a member of the DTO], hasn’t activated it. So then he’s going to call you so you guys can make arrangements.” CS-1 stated, “Okay, that’s fine. But make sure it’s between 6:00 and 7:00 because I’m over here really

⁵ The UFMI number is a Sprint-Nextel Communications assigned radio number used for direct connect services, sometimes referred to as the push-to-talk, digital dispatch or walkie-talkie function. The UFMI number is unique to each subscriber.

⁶ 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 CS-1, 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. Unless otherwise noted, the intercepted conversations contained herein are all in the Spanish language. For these interceptions, I have at time relied on draft - not final - English translations of conversations in Spanish done by DEA agents and/or interpreters contracted by DEA. Italicized words appearing in such summaries were spoken in English.

far and it's snowing. We'll make arrangements [for the delivery of the shipment of heroin] later on, once he [the member of the DTO] has everything together." Individual A replied, "Yeah, but today, today [U/I] because it's [delivery of the heroin] been delayed a lot and we need to hand it [heroin] over [to CS-1]." CS-1 stated, "Okay, that's fine. Just call me when he's ready so we can make arrangements."

11. Later that day, at approximately 11:40 a.m., CS-1, using Subject Phone 5, placed an outgoing call (Call #120) to the Mexican SOS, who was using UMFI number 92*78XXXX*X (hereinafter, "the Mexican SOS Phone 1"). During this call, CS-1 stated, "A guy [Individual A] called me and that he's going to bring me something [heroin] from who knows where. Between 6:00 and 7:00. Did you talk to him [Individual A]?" The Mexican SOS asked, "Yeah, from the hospital in Houston [the shipment of heroin was coming from Houston, Texas], no?" CS-1 advised, "Yeah, yeah. What are they bringing me, documents [money] or applications [narcotics]?" The Mexican SOS replied, "I'll find out right now. But either way, you're going to get something [money or narcotics]. I'll let you know right now. Give me a chance. I'll let you know what it's going to be."

12. At approximately 5:01 p.m., CS-1, using Subject Phone 5, placed an outgoing call (Call #128) to the Mexican SOS, who was using the Mexican SOS Phone 1. During this call, CS-1 stated, "Hey, [Individual A] said that we were going to meet between 6:00 to 7:00 but that he was going to call me beforehand and he hasn't called me because he said somebody was programming or activating a phone." The Mexican SOS replied, "Yes. Not until they [a member of the DTO] call you." CS-1 asked, "Oh, so I should wait until they [a member of the DTO] call me? I shouldn't call, right?" The Mexican SOS stated, "No, they [a member of the DTO] need to call you. They need to call you, they need to call you. Once they call you then yeah, but not for the time being."

Later in the call, CS-1 stated, "I told him [Individual A] it was fine but I told him I had some other things to do so he should call me after 6:00 or 7:00." The Mexican SOS responded, "Alright, let's check to see what's up, okay?" CS-1 replied, "So I'm going to wait until they [a member of the DTO] call me. What I'm worried about is, we haven't agreed on where we're meeting, with this man." The Mexican SOS stated, "Yeah, but they can call you. They have to call you. It's different if I tell you, 'Call them.' But no, they have to call you." CS-1 replied, "Okay, so I'll wait for them to call me, okay? Bye."

13. On January 22, 2012, at approximately 12:20 p.m., CS-1, using Subject Phone 5, placed an outgoing call (Call #155) to the Mexican SOS, who was using the Mexican SOS Phone 1. During this call, the Mexican SOS stated, "Someone's [a member of the DTO] going to call you." CS-1 asked, "Okay, who's going to call me?" The Mexican SOS replied, "A guy [VIGIL]. You'll go pick him up and I'll let you know what's up, right now. I called him [Individual A] and it was out of service. Okay, he's [Individual A] going to call you again, because supposedly your number shows as being out of service. Hold on. Someone is going to call you and you'll pick up the guy [VIGIL] and you'll take him somewhere. Don't take him [VIGIL] to the house. I'll call you back. Hold on." CS-1 asked, "But am I picking him [VIGIL] up today?" The Mexican SOS advised, "Right now. He's [VIGIL's] already close by over there [in Chicago]."

14. At approximately 12:24 p.m., CS-1, using Subject Phone 5, received an incoming call (Call #158) from Individual B, who was using UFMI 143*576*XXX. During this call, Individual B stated, "Individual C [a member of the DTO] gave me the number. There's a guy [VIGIL] who came in [to Chicago] and perhaps you can go pick him up." CS-1 asked, "Where do I have to go pick him [VIGIL] up?" Individual B advised, "I have the address here. I don't know if you have

a pen, so I can give you the address.” CS-1 replied, “I was told that someone was going to come by with the uncle.” Individual B responded, “I was told to call you and to pass that [address for VIGIL] to you. Because he’s [VIGIL] coming in by himself and he’s walking. Well, he’s [VIGIL] staying there where you are. And I have the address of where he’s staying.” CS-1 stated, “Give me the address.” Individual B provided an address on the 5300 block of South Pulaski – which is the address for the Midway Inn hotel – and further stated, “And the room number is 138. If you want, I can give you the phone number of where he’s [VIGIL’s] staying. So you can call him [VIGIL] just in case there’s something wrong with the address. But it was given to me and I think this is the one.” CS-1 replied, “Okay, give me the phone number. Please give me the number of where the uncle [VIGIL] is staying at.” Individual A advised, “Yes, the phone number is 773-582-XXXX [the telephone number for Midway Inn].” CS-1 remarked, “Okay, sounds good. Thank you.” Individual B responded, “Thank you. And I don’t know if I gave to you the room number which is 138. And if you can please, give me a call back once you’re with him [VIGIL]. The uncle [VIGIL] is an old man. He’s [VIGIL] 64 years old. Please, take care of him.” CS-1 asked, “What’s the uncle’s [VIGIL’s] name? Because if I need to call and ask for him, I need to give out a name.” Individual B advised, “Yes, ma’am. It’s Juan [VIGIL]. Just tell him that it’s on behalf of [Individual B].” CS-1 stated, “Sounds good, sounds good. So then, thank you.”

15. At approximately 12:35 p.m., CS-1, using Subject Phone 5, placed an outgoing call (Call #162) to the Mexican SOS, who was using the Mexican SOS Phone 1. During this call, CS-1 stated, “Hey, Gabriel.” The Mexican SOS replied, “Yes, go ahead.” CS-1 advised, “I already have the man’s [VIGIL] information [hotel, room number and telephone number]. I’m only going to clean over here and then I’ll head out. I’ll call you before I leave.” The Mexican SOS stated,

“Alright. Please, take him [VIGIL] to the house. He’s an old man. Have him stay there for a little bit and then I’ll let you know what we’ll do with him [VIGIL].” CS-1 asked, “Well, didn’t you tell me not to bring him [VIGIL] over to the house?” The Mexican SOS stated, “Yeah, take him [VIGIL] to the house after all. He’s an old man.” CS-1 responded, “Well, I’ll just take him cruising instead and when you tell me and I’ll take him to where I need to take him to.” The Mexican SOS advised, “He [VIGIL] has some things [the shipment of heroin] that you need to put away [store].” CS-1 stated, “Okay. The thing is that I don’t want...listen, let me tell you something, I don’t like to bring people over. Okay, [Individual D, another member of the DTO] looks like a nice person, but [Individual D]. . . he already has a resemblance of his occupation. You never know who they’ll send to come over and break in. So I’ll take him [VIGIL] to a restaurant close to the house, I’ll leave him [VIGIL] there and I’ll bring over the things [heroin] to put away. And then, I’ll take him cruising. When you have to let me know I’ll do the same thing and I’ll take out the things and I’ll take him. Because I don’t want to take a risk here at the house.” The Mexican SOS remarked, “Alright, alright.”

16. At approximately 3:32 p.m., CS-1, using Subject Phone 5, placed an outgoing call (Call #180) to the Mexican SOS, who was using the Mexican SOS 1. During this call, CS-1 advised, “I’m trying to call the man [VIGIL], so he can be ready by the time I get there. I’m like 10 minutes away from the hotel. I’m calling the number that was given to me and they said that the phone is busy [CS-1 tried calling Room 138 but could not get through].” The Mexican SOS replied, “Yeah, he’s [a member of the DTO] already calling. Hold on a bit. You’re not going to take him [VIGIL] anywhere. He already got a hold of a hotel on his own. Hold on.”

17. At approximately 3:35 p.m., CS-1, using Subject Phone 5, placed an outgoing call

(Call #181) to the Mexican SOS, who was using the Mexican SOS 1. During this call, CS-1 asked, “Hey, so then should I head back home and I won’t need to get to the hotel?” The Mexican SOS replied, “Get to the hotel [Midway Inn], to the man [VIGIL]. You’ll pick it [the shipment of heroin] up from the man [VIGIL]. If he’s not answering, just get there. I’ll have them [the DTO members] call you.” CS-1 stated, “Oh, because I thought he [VIGIL] already had a different room. That’s why I’m calling you.” The Mexican SOS responded, “Yeah, he’s [VIGIL] not leaving. He’s [VIGIL] going to stay there in that hotel [Midway Inn]. You’re going back [home] by yourself.” CS-1 asked, “So then, I’ll go [meet with VIGIL] and take what he has [accept receipt of the shipment heroin]?” The Mexican SOS confirmed, “That’s right, that’s right.” CS-1 stated, “Oh, okay, then. I’ll get to the hotel right now. Bye.” The Mexican SOS advised, “And I’ll have someone pick that up [take the heroin from CS-1] and to give you the ticket [money to purchase the heroin].” CS-1 replied, “Okay, sounds good. Bye.”

B. The Seizure of Heroin from VIGIL at the Midway Inn Hotel on January 22, 2012

18. Prior to the meeting at the Midway Inn hotel, DEA agents met with CS-1 at a pre-determined meeting location and equipped CS-1 with an audio recording device and live transmitter. DEA agents also searched CS-1 and CS-1’s vehicle for illegal contraband and excess money with negative results.

19. Beginning at approximately 4:14 p.m., surveillance agents and law enforcement officers (hereinafter collectively “surveillance”) observed the following: CS-1’s vehicle arrived at the Midway Inn hotel, located on the 5300 block of South Pulaski Road, Chicago, Illinois. CS-1 entered the Midway Inn building, and surveillance agents followed CS-1 into the building. CS-1 knocked on the door of room number 138. CS-1 entered room number 138 and the door to the room

remained open. Surveillance agents overheard CS-1 and VIGIL engage in conversation.

20. According to the recording, during this meeting with VIGIL in the hotel room, CS-1 stated, “Hi, good afternoon, how are you?” VIGIL replied, “What’s going on? Come in.” CS-1 stated, “No, just right here.” VIGIL stated, “Excuse me. I’m sorry, I thought you weren’t coming.” CS-1 asked, “Oh, why not?” VIGIL explained, “Well, just because. Are you...are you guys ready [to take the shipment of heroin]?” CS-1 confirmed, “Well, yes.” VIGIL asked, “Okay. Did they [members of the DTO] call you?” CS-1 stated, “Yes, yes, uh, he told me you were staying here and I was just going to take I don’t know what.” VIGIL explained, “Well, he [a member of the DTO] said...money [CS-1 should pay VIGIL for the heroin].” CS-1 asked, “I’m going to take money?” VIGIL stated, “No, that you were...that money [payment for the heroin] was going to be brought to me [paid up front].” CS-1 stated, “They didn’t tell me...”

21. Moments later, from the outside of the doorway of the hotel room, DEA agents approached room 138 and asked if VIGIL or CS-1 had called the police. VIGIL responded that he had not called the police. From outside of the doorway of the hotel room, DEA agents asked if VIGIL had a gun and VIGIL answered that he did not. DEA agents then asked if VIGIL and CS-1 would exit the hotel room for officer safety. VIGIL and CS-1 agreed and exited the hotel room. DEA agents asked VIGIL if he had any contraband and VIGIL answered that he did not. DEA agents asked VIGIL if they could search his room and VIGIL agreed.

22. At approximately 4:30 p.m., DEA agents entered the hotel room to conduct the search. DEA agents observed VIGIL acting in a nervous manner and looking into the hotel room.

23. During the search of the hotel room, DEA agents found a black backpack (“the backpack”) in the hotel room, which emitted a strong chemical odor consistent with the odor of

heroin. DEA agents observed an unusual bulge in the rear of the backpack. DEA agents opened the backpack and observed a vacuum-sealed plastic food saver bag, containing a black, rectangular object. DEA agents further observed the rectangular object contained a brown powdery substance consistent with the appearance of heroin, which was stitched into the liner of the backpack.

24. DEA arrested VIGIL and transported him and backpack to the Summit Police Department. At approximately 5:00 p.m., DEA agents conducted a secondary search of the backpack at the Summit Police Department (“SPD”) and found another vacuum-sealed plastic food saver bag containing a black rectangular-shaped object, which further contained a brown powdery substance, which was stitched into the middle liner of the black backpack.

25. The brown powdery substance contained with the two packages found inside of the backpack were analyzed by the DEA North Central Regional Laboratory. This analysis revealed that the brown powdery substance was heroin and the packages weighed approximately 1,183 grams and 256 grams, respectively.

C. VIGIL’s Confession to DEA Agents

26. At approximately 5:36 p.m., while at the SPD, VIGIL was advised of his Miranda rights waived those rights and agreed to speak with DEA agents, in summary, during this interview, VIGIL told DEA agents that on the previous Friday (January 20, 2012), VIGIL had obtained the backpack from an unknown male (hereinafter, “Individual E”) at a bus station in San Antonio, Texas. According to VIGIL, VIGIL did not know the name of Individual E. VIGIL admitted to the DEA agents that VIGIL knew that the backpack contained some type of drugs, but VIGIL was not sure exactly what kind. According to VIGIL, VIGIL had taken a bus from San Antonio, which left on Saturday morning (January 21, 2012) and arrived in Chicago on Sunday morning (January 22,

2012). According to VIGIL, VIGIL was going to be paid approximately \$2,000 to \$3,000 for delivering the backpack to Chicago. VIGIL was released from custody in light of the ongoing investigation.

IV. Conclusion

27. Based on the foregoing, I respectfully submit that there is probable cause to believe that: on or about January 22, 2012, JUAN VIGIL 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, in violation of Title 21, United States Code, Section 841(a)(1).

FURTHER AFFIANT SAYETH NOT.

B. COLIN DICKEY
Special Agent, Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on _____, 2012.

Maria Valdez
United States Magistrate Judge