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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

v.

CASE NUMBER:

VICTOR MANUEL CONTRERAS

also known as "Jesse"

**UNDER SEAL**

MARIO ORTIZ

ORLANDO PENALOZA

MIGUEL ORTUNO-GOMEZ

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

On or about June 5, 2012, in the Northern District of Illinois, Eastern Division and elsewhere, VICTOR MANUEL CONTRERAS, also known as "Jesse," defendant herein:

did knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, five kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance;

in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT TWO

On or about June 5, 2012, in the Northern District of Illinois, Eastern Division and elsewhere, MARIO ORTIZ, defendant herein:

did knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, five kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance;

in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE

On or about June 5, 2012, in the Northern District of Illinois, Eastern Division and elsewhere,  
ORLANDO PENALOZA, defendant herein:

did knowingly and intentionally possess with intent to distribute a controlled substance,  
namely, 500 grams or more of a mixture and substance containing a detectable amount  
of cocaine, a Schedule II Controlled Substance;

in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code,  
Section 2.

COUNT FOUR

On or about June 5, 2012, in the Northern District of Illinois, Eastern Division and elsewhere,  
MIGUEL ORTUNO-GOMEZ, defendant herein:

did knowingly and intentionally possess with intent to distribute a controlled substance,  
namely, 500 grams or more of a mixture and substance containing a detectable amount  
of cocaine, a Schedule II Controlled Substance;

in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code,  
Section 2.

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 (“CPD”), Illinois State Police and National Crime Information Center (“NCIC”); (j) my review of drivers' license and automobile registration records from various states, including records of the Illinois Secretary of State (“SOS”); (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:

a. On or about June 5, 2012, VICTOR MANUEL CONTRERAS, also known as “Jesse,” did knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, five kilograms or more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

b. On or about June 5, 2012, MARIO ORTIZ, did knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, five kilograms or more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

c. On or about June 5, 2012, ORLANDO PENALOZA, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 500 grams or more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

d. On or about June 5, 2012, MIGUEL ORTUNO-GOMEZ, did knowingly and intentionally possess with intent to distribute a controlled substance,, namely, 500 grams or more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

4. Because this Affidavit is for the limited purpose of establishing probable cause to support the Criminal Complaint and the issuance of arrest warrants against the proposed defendants, it contains only a summary of relevant facts. I have not included each and every fact known to me concerning the entities, individuals, and events described in this Affidavit.

## **II. Background**

5. Since approximately April 2012, the DEA has been investigating MARIO ORTIZ and his drug-trafficking operation, which operates principally in the northern suburbs of Chicago. More specifically, ORTIZ actively obtained and re-sold kilogram quantities of cocaine in the Elgin, Illinois area, and elsewhere.

6. At various times between May, 2012 and July, 2012, DEA intercepted communications over Target Phone 13, used by ORTIZ, pursuant to interception orders signed by the Chief Judge or Acting Chief Judge for the United States District Court for the Northern District of Illinois.

7. As set forth in further detail below, based on: (a) the court authorized intercepted telephone calls and electronic communications, (b) physical surveillance, (c) analysis of pen register and trap and trace device data, (d) a June 5, 2012, cocaine seizure from PENALOZA, (e) a June 5, 2012, cocaine seizure from ORTUNO-Gomez, DEA agents have identified CONTRERAS as a source of supply for kilogram quantities of cocaine. Further, DEA agents have identified ORTIZ

as one of CONTRERAS' customers and distributors of kilogram quantities of cocaine, who further supplied this cocaine to other customers of the DTO, including PENALOZA and ORTUNO-GOMEZ.

### **III. Facts Supporting Probable Cause**

#### **A. On June 5, 2012, CONTRERAS Supplied Three Kilograms of Cocaine to ORTIZ And ORTIZ Distributed the Three Kilograms of Cocaine to PENALOZA**

8. Based on the intercepted calls and related surveillance summarized below, as well as my knowledge of the investigation as whole and training and experience, I believe CONTRERAS delivered three kilograms of cocaine to ORTIZ, at ORTIZ's residence, on June 5, 2012. Later that day, ORTIZ delivered the three kilograms of cocaine supplied by CONTRERAS to PENALOZA at a car wash.

9. On June 2, 2012, at approximately 1:08 p.m., ORTIZ<sup>1</sup>, using Target Phone 13, received an incoming call (Call #625) from CONTRERAS<sup>2</sup>, who was using telephone number (224)

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<sup>1</sup>The visual and voice identification of MARIO ORTIZ is based on the following: In certain intercepted telephone conversations over Target Phone 13, specifically Call #284, certain individuals have referred to ORTIZ to as "Mario." In other intercepted calls over Target Phone 13, specifically Call #188 and Call #529, ORTIZ has provided directions to his residence on "Longford" and identified his address as a residence on the 1300 block of Longford (hereinafter, "ORTIZ's residence"). According to law enforcement and public databases, ORTIZ has an Illinois driver's license identifying ORTIZ's residence as his address, and at least three vehicles are registered in the name of "Mario ORTIZ" at ORTIZ's residence. On May 2, 2012, May 8, 2012, and June 5, 2012, pursuant to intercepted communications involving Target Phone 13, DEA agents conducted surveillance of a person believed to be ORTIZ and later identified ORTIZ after viewing a known Illinois driver's license photograph of ORTIZ. On May 8, 2012, pursuant to intercepted communications involving Target Phone 13, DEA agents conducted surveillance of a meeting ORTIZ driving a red Nissan truck registered in the name of "Mario ORTIZ" at ORTIZ's address and DEA agents identified ORTIZ after viewing a known Illinois driver's license photograph of ORTIZ. On June 5, 2012, surveillance observed ORTIZ at ORTIZ's residence. In a series of intercepted telephone calls set forth in this Affidavit, on June 5, 2012, ORTIZ made arrangements to personally meet with CONTRERAS at ORTIZ's residence, and surveillance subsequently observed CONTRERAS meeting with ORTIZ at ORTIZ's residence.

<sup>2</sup>The visual and voice identification of VICTOR CONTRERAS is based on the following: In a series of intercepted telephone calls set forth in this Affidavit, on June 5, 2012, CONTRERAS made arrangements

400-XXXX ("Contreras Phone 1").<sup>3</sup> During this call, CONTRERAS stated, "I'm just getting here [unknown location, but not the Elgin, Illinois area], but I've been having issues with my phone. I have a Boost Mobile and I had issues with reception on the road [coming back from the Houston, Texas area<sup>4</sup>]." ORTIZ remarked, "Oh..." CONTRERAS replied, "I got here real early and I took a nap because I was tired." ORTIZ remarked, "Oh, alright." CONTRERAS responded, "But I have everything [load of cocaine] ready and I'll head out [for the Elgin area] tomorrow morning...so I'll be arriving by Monday morning [June 4, 2012]. I'll be ready Monday morning if everything goes smooth." ORTIZ asked, "Monday?" CONTRERAS stated, "Uh, huh, but this time for sure. I'm very well prepared. I have them [kilograms of cocaine] with me already." ORTIZ remarked, "Alright, then. That's fine." CONTRERAS stated, "For you to hold for me a little longer, I'll get there [Elgin] for sure." ORTIZ replied, "Alright, anyways, I'm out and about right now. I'm over here by Chicago." CONTRERAS advised, "Alright, then. I just wanted to let you know that I

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to personally meet with ORTIZ at ORTIZ's residence, and surveillance subsequently observed CONTRERAS meeting with ORTIZ at ORTIZ's residence. Surveillance agents examined a photograph of an Illinois driver's license in the name of "Victor CONTRERAS" and determined it was the same person that met with ORTIZ on June 5, 2012. On July 13, 2012, law enforcement officers conducted a traffic stop of a blue Dodge Caravan operated by CONTRERAS, and CONTRERAS was in possession of an Illinois driver's license in the name of "Victor Manuel Contreras."

<sup>3</sup>Some of the intercepted conversations have been summarized in this Affidavit. 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 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.

<sup>4</sup>Based on court authorized pen register data with location information and the investigation as a whole, I believe CONTRERAS travels regularly to the area of Houston, Texas, in order to further his narcotics trafficking.

arrived over here [unknown location, but believed to be from Mexico into Texas] already.” ORTIZ stated, “Alright, then. Be careful and we’ll wait for you here [Elgin].” CONTRERAS remarked, “Yes, sir. Alright, thanks.”

10. On June 4, 2012, at approximately 1:13 p.m., ORTIZ, using Target Phone 13, placed an outgoing call (Call #660) to CONTRERAS, who was using Contreras Phone 1. During this call, CONTRERAS stated, "Hey, I'm going to be getting there [back to the Elgin area] a little late. I left late and so I'll be arriving [with a shipment of cocaine] there at night, you know?" ORTIZ replied, "When? Will you be here tonight at night?" CONTRERAS responded, "Yes, but I will be getting there [Elgin area] later tonight, but everything is good [CONTRERAS has the shipment of cocaine]. Everything [the cocaine] is on it's way very well and in the morning, once I get up, it'll [cocaine] be ready, on the very next day [June 5, 2012], you know?" ORTIZ stated, "Alright then, so I can be on standby [to purchase and distribute the cocaine]." CONTRERAS stated, "Yeah, so you can tell the guys [customers], but yeah, everything is going well [the transportation of the cocaine]. I'm going good, but I was late leaving, but I'm on my way." ORTIZ advised, "No, that's good as long as you arrive here [Elgin area] in the morning." CONTRERAS stated, "We'll talk tomorrow and get together so we can have some beers." ORTIZ remarked, "Alright, then."

11. At approximately 1:17 p.m., Target Phone 13 sent an outgoing text message (Call #73583) to telephone number (608) 279-XXXX (“Ortuno-Gomez Phone 1”), believed to be used by ORTUNO-GOMEZ.<sup>5</sup> The text message read, "I just called and that it'll [shipment of cocaine] be

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<sup>5</sup>The visual and voice identification of MIGUEL ORTUNO-GOMEZ is based on the following: In May and June of 2012, DEA agents intercepted telephone conversations over Target Phone 13 involving telephone number (608) 279-XXXX (“Ortuno-Gomez Phone 1”) and telephone number (608) 395-XXXX {“Ortuno-Gomez Phone 2”). On June 5, 2012, pursuant to intercepted telephone conversations over Target Phone 13 involving Ortuno-Gomez Phone 1 and Ortuno-Gomez Phone 2, DEA agents conducted surveillance of a meeting between ORTUNO-GOMEZ and ORTIZ. After this meeting concluded, DEA agents conducted



tomorrow in the afternoon, they [kilograms of cocaine] arrive tonight."

12. At approximately 9:49 p.m., ORTIZ, using Target Phone 13, received an incoming call (Call #674) from PENALOZA<sup>6</sup>, who was using telephone number (773) 299-XXXX ("Penaloza Phone 1"). During this call, PENALOZA stated, "So are we going to work on the yard thing [distribute narcotics] tomorrow, or what?" ORTIZ advised, "I think so. Supposedly, they [kilograms of cocaine] will arrive later on." PENALOZA stated, "Let me know, in case I need to take off early." ORTIZ replied, "Alright. Yeah, but until I get off of work. I don't have anybody [drug associates] to go over there [to take the cocaine to PENALOZA]." PENALOZA asked, "Oh, you are getting off late, right?" ORTIZ responded, "Yeah, the thing is that nobody can go and pick them up [retrieve the kilograms of cocaine for distribution]." PENALOZA asked, "But can you send me an alert early saying yes or no?" ORTIZ stated, "Yeah. I go to lunch at noon, anyway, but I'm almost sure it's [cocaine] a yes, because he [CONTRERAS] said that he was going to arrive at night [with the cocaine], already. When he called me, he told me that he [CONTRERAS] was already close by." PENALOZA replied, "Let me know then. Send me a message early, so that I can make

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an investigative stop of a vehicle operated by ORTUNO-GOMEZ, during which ORTUNO-GOMEZ was in possession of a Wisconsin driver's license issued under the name of "Miguel ORTUNO-GOMEZ." A Spanish-speaking DEA agent, who interviewed ORTUNO-GOMEZ on June 5, 2012, has listened to intercepted telephone conversations involving Ortuno-Gomez Phone 1 and Ortuno-Gomez Phone 2, confirmed that the voice on the telephone calls is the voice of ORTUNO-GOMEZ.

<sup>6</sup>The visual and voice identification of ORLANDO PENALOZA is based on the following: In May and June of 2012, DEA agents intercepted telephone conversations over Target Phone 13 involving telephone number (773) 299-XXXX ("Penaloza Phone 1"). On June 5, 2012, pursuant to intercepted telephone conversations over Target Phone 13 involving Penaloza Phone 1, DEA agents conducted surveillance of a meeting between PENALOZA and ORTIZ. After this meeting concluded, DEA agents conducted an investigative stop on a silver Dodge Durango occupied by PENALOZA, and PENALOZA was in possession of a driver's license issued in the name of "Orlando PENALOZA." A Spanish-speaking DEA agent, who interviewed PENALOZA on June 5, 2012, has listened to intercepted telephone conversations involving Penaloza Phone 1, after which the DEA agent confirmed that the voice on the telephone calls is the voice of PENALOZA.

plans [to purchase the cocaine]." ORTIZ advised, "Yeah, I will let you know at what time we will be around here [with the cocaine]." PENALOZA stated, "Anyway, this week...I think that they [customers] won't let me down anymore, and I will help you out too [with the distribution of cocaine]." ORTIZ asked, "Alright then. That's good. Who is going [to pick up the cocaine] from your people, only you by yourself, or...?" PENALOZA asked, "Where do you live, still on the same street, or what?" ORTIZ confirmed, "Yeah." Later in the call, ORTIZ stated, "The thing is, this thing [source cocaine] is just starting to get good." PENALOZA stated, "Well, at least give me hours [cocaine] for three [three kilograms of cocaine]. Let's see if the two other guys [customers] are willing to do it. Oh...an intestine [three kilograms of cocaine]." ORTIZ remarked, "Alright, then, that's fine." PENALOZA stated, "Let me know during lunch time if it's [cocaine transaction] a yes or no." ORTIZ remarked, "Alright, then."

13. On June 5, 2012, at approximately 9:55 a.m., ORTIZ, using Target Phone 13, placed an outgoing call (Call #675) to CONTRERAS, who was using Contreras Phone 1. During this call, CONTRERAS asked, "Do you get off [of work] after 2:00 p.m.?" ORTIZ advised, "No, I get off around 4:30 p.m." Later in the call, CONTRERAS stated, "And whenever you get off [of work] we'll talk more [about the distribution of cocaine], alright?" ORTIZ replied, "Alright, yes. So we can arrange things [organize the cocaine distribution] properly." CONTRERAS responded, "Yeah, whenever you get off, call me and we'll talk because I'm ready [to distribute cocaine] now. I really don't mind at what time, it's just that I don't know the guy [ORTIZ wanted CONTRERAS to meet with ORTIZ's unknown drug associate, but CONTRERAS seemed reluctant to do so] so...I don't know your cousin, so I'll need for you to introduce him to me first." Later in the call, CONTRERAS stated, "Alright, alright. So, you'll call me when you get off? Whenever you're coming this way?"

ORTIZ advised, "Yes, yes. I just wanted to know if you were around here." CONTRERAS stated, "Yes, yes. I'm ready [to conduct cocaine transactions], I was just going to take a shower but you get off later on anyway." ORTIZ responded, "Yes, yes. At 4:30 or so...if not, I'll give you a call once I'm on my way down there." CONTRERAS remarked, "Alright, then."

14. At approximately 10:28 a.m., Target Phone 13, believed to be used by ORTIZ, sent an outgoing text message (Call #73812) to Ortuno-Gomez Phone 1, believed to be used by ORTUNO-GOMEZ. The text message read, "How many are going to the dance buddy to bring the tickets [how many kilograms of cocaine did Ortuno-Gomez want to purchase]."

15. At approximately 10:29 a.m., Target Phone 13, believed to be used by ORTIZ, received an incoming text message (Call #73813) from Penaloza Phone 1, believed to be used by PENALOZA. The text message read, "The three tacos [three kilograms of cocaine] are ready for later, buddy."

16. At approximately 5:53 p.m., ORTIZ, using Target Phone 13, placed an outgoing call (Call #688) to ORTUNO-GOMEZ, who was using Ortuno-Gomez Phone 1. During this call, ORTUNO-GOMEZ asked, "How are you, buddy?" ORTIZ replied, "Nothing, nothing, getting close to the ranch [residence], where are you?" ORTUNO-GOMEZ stated, "Also here, barely leaving the ranch, buddy." ORTIZ asked, "Oh, you're barely leaving?" ORTUNO-GOMEZ confirmed, "Yes." ORTIZ stated, "Mmm, buddy, I thought you would be over here [close to ORTIZ's residence] already." ORTUNO-GOMEZ advised, "No, well, but we'll be there shortly." ORTIZ advised, "Alright, yeah, so I can tell [U/I] to prepare the snack [obtain cocaine for distribution to ORTUNO-GOMEZ] and I thought, 'If you are coming already, I could start preparing the beer [cocaine], but no...'" ORTUNO-GOMEZ stated, "Uh, huh, no either way, start the grill, so we start getting ready

[for ORTUNO-GOMEZ to obtain cocaine from ORTIZ]." ORTIZ responded, "Alright, no well, I just wanted to know where you were at." ORTUNO-GOMEZ advised, "Okay. It's because my sister got off of work late and it got late for me." ORTIZ stated, "Alright, no that's fine, I'll wait for you over here. Give me a call when you are around [Elgin]." ORTUNO-GOMEZ stated, "Yeah, because I think we are going to have a coffee with doughnuts [two kilograms of cocaine]." ORTIZ advised, "Alright, yeah, there should be something [cocaine] around." ORTUNO-GOMEZ asked, "Right?" ORTIZ stated, "Yeah, yeah, so it's not too heavy on the stomach." ORTUNO-GOMEZ remarked, "Alright then, I'll call you in a little bit, then."

17. At approximately 6:01 p.m., ORTIZ, using Target Phone 13, received an incoming call (Call #691) from CONTRERAS, who was using Contreras Phone 1. During this call, CONTRERAS asked, "Should I bring the cousin [coded language for cocaine] so you can meet [see] him [cocaine]?" ORTIZ asked, "Who?" CONTRERAS stated, "The cousin." ORTIZ advised, "If you want." CONTRERAS asked, "Alright. About how long until you get there [home]?" ORTIZ advised, "I'll be there [home] in five minutes." CONTRERAS stated, "Alright, then I'm leaving now." ORTIZ asked, "Are you going to come by yourself or you're going to come with the other guys [kilograms of cocaine]?" CONTRERAS asked, "Well, how many [kilograms of cocaine] do you need? How many [kilograms of cocaine] do you want me to take? Do you need a few to work [distribute]?" ORTIZ advised, "Yes, at least four hours [four kilograms of cocaine]." CONTRERAS explained, "Alright, then, they'll [kilograms of cocaine] be there [at ORTIZ's residence] soon." ORTIZ remarked, "Alright, then."

18. At approximately 6:02 p.m., ORTIZ, using Target Phone 13, placed an outgoing call (Call #692) to PENALOZA, who was using Penaloza Phone 1. During this call, ORTIZ asked, "Are

you here around the ranch [Elgin], or what?" PENALOZA confirmed, "Yeah." ORTIZ asked, "Where do you want to go, or what [to conduct the cocaine transaction]?" PENALOZA remarked, "Wherever." ORTIZ asked, "Do you want to have a coffee or something?" PENALOZA stated, "Alright, then. If you want, we can go grocery shopping at..." ORTIZ responded, "All the way up there? It's too far for me." PENALOZA stated, "It's the same thing, it's just on the other side, but it's up to you." ORTIZ asked, "Oh, down here, the other street down there?" PENALOZA confirmed, "Yeah, the one on the other side." ORTIZ remarked, "Alright." PENALOZA stated, "Well, the roses one." ORTIZ replied, "Okay, that's fine. If you want, we can go there." PENALOZA remarked, "Alright, then." ORTIZ stated, "In about 15 minutes." PENALOZA remarked, "Okay."

19. At approximately 6:20 p.m., surveillance observed ORTIZ arrive at his residence, located on the 1300 block of Longford Circle, Elgin, Illinois (hereinafter, "ORTIZ's residence"), driving a red Nissan truck (hereinafter, "the red Nissan") registered to ORTIZ at ORTIZ's residence. A short time later, surveillance observed ORTIZ move a white van, which was parked in the driveway of ORTIZ's residence, to the street.

20. At approximately 6:20 p.m., ORTIZ, using Target Phone 13, received an incoming call (Call #694) from PENALOZA, who was using Penaloza Phone 1. During this call, PENALOZA asked, "Are you already around here already?" ORTIZ stated, "No, I sent you a message [text] to wait because the guy [CONTRERAS] told me that he was going to arrive to my house in 15 minutes. So, that's why I asked you to wait a little, and that I would let you know in a little bit, so that I don't make you wait there." PENALOZA advised, "I will wait for you here, call me when you...so that I don't go back and forth." ORTIZ remarked, "Alright, then." PENALOZA

stated, "I will be around here." ORTIZ replied, "Alright, I will call you when I'm on my way over there."

21. At approximately 6:29 p.m., ORTIZ, using Target Phone 13, placed an outgoing call (Call #695) to CONTRERAS, who was using Contreras Phone 1. During this call, CONTRERAS stated, "I'll be there [ORTIZ's residence] shortly, okay?" ORTIZ replied, "Alright then. Let me know. If not, so I get something to eat." CONTRERAS asked, "Are you going out to eat?" ORTIZ responded, "No, here at home but just so you don't catch me eating." CONTRERAS stated, "It's going to take me another 10 minutes [to get to ORTIZ's residence], if you want to eat..." ORTIZ asked, "10 minutes?" CONTRERAS stated, "Alright, just wait for me." ORTIZ remarked, "Alright." CONTRERAS advised, "I'm really close by [to ORTIZ's residence]. I'm by the park." ORTIZ remarked, "Alright."

22. At approximately 6:34 p.m., surveillance observed a gold colored Cadillac (hereinafter, "the gold Cadillac") arrive at ORTIZ's residence.

23. At approximately 6:34 p.m., ORTIZ, using Target Phone 13, received an incoming call (Call #696) from CONTRERAS, who was using Contreras Phone 1. During this call, ORTIZ asked, "Are you already here [by ORTIZ's residence]?" CONTRERAS confirmed, "I'm already here." ORTIZ stated, "Alright."

24. Based on the intercepted telephone calls, surveillance and the investigation as a whole, I believe that during this meeting with ORTIZ, CONTRERAS delivered three kilograms of cocaine to ORTIZ at ORTIZ's residence.

25. At approximately 6:44 p.m., surveillance observed the gold Cadillac, driven by CONTRERAS and also occupied by an unidentified female, depart ORTIZ's residence.

26. At approximately 6:48 p.m., surveillance observed ORTIZ depart ORTIZ's residence in the red Nissan.

27. At approximately 6:49 p.m., ORTIZ, using Target Phone 13, placed an outgoing call (Call #698) to PENALOZA, who was using Penaloza Phone 1. During this call, ORTIZ stated, "I'll see you there. I'm on my way." PENALOZA replied, "Oh, I was here washing the truck. I'm here at a car wash." ORTIZ responded, "Oh, alright then. I'll stop by there."

28. At approximately 6:52 p.m., surveillance observed ORTIZ arrive in the red Nissan at the Water Works Car Wash, located on the 900 block of East Chicago Street, in Elgin (hereinafter, "the car wash"), and park near the vacuums.

29. At approximately 7:00 p.m., surveillance observed ORTIZ and PENALOZA in conversation next to the red Nissan. Surveillance further observed PENALOZA reach inside the driver's side of the red Nissan and remove a black bag from the red Nissan. Surveillance further observed PENALOZA walk to a 2003 silver Dodge Durango (hereinafter, "the Dodge Durango") and enter the front, driver's side of the vehicle. Surveillance then observed PENALOZA exit the driver's seat of the Dodge Durango and begin to wash this vehicle. After completing the wash, surveillance observed PENALOZA once again enter the driver's seat of the Dodge Durango.

30. At approximately 7:10 p.m., DEA agents conducted an investigative stop the Dodge Durango in the vicinity of the car wash. DEA agents asked PENALOZA to step out of the vehicle and PENALOZA stated: "This is not my car." DEA agents asked PENALOZA if there was any contraband in the Dodge Durango and PENALOZA answered that there was not. DEA agents asked PENALOZA for permission to search the Dodge Durango and PENALOZA granted permission to search the Dodge Durango.

31. During the search of the Dodge Durango, DEA agents observed a electronically controlled concealed compartment located in the middle back seat of the vehicle. Within the concealed compartment, DEA agents found three rectangular objects wrapped in black tape and cellophane.

32. The substance contained in the three rectangular objects was later analyzed by the North Central Regional Laboratory and were found to weigh approximately three kilograms and contain cocaine.

**B. Later That Same Day, CONTRERAS Supplied Additional Cocaine to ORTIZ and ORTIZ Distributed the Two Kilogram of Cocaine to ORTUNO-GOMEZ**

33. Based on the intercepted calls and related surveillance summarized below, as well as my knowledge of the investigation as whole and my training and experience, I believe CONTRERAS delivered an additional two kilograms of cocaine to ORTIZ, at ORTIZ's residence, on June 5, 2012. ORTIZ subsequently met with ORTUNO-Gomez at ORTIZ's residence and distributed the two kilograms of cocaine supplied by CONTRERAS to ORTUNO-Gomez.

34. At approximately 7:35 p.m., ORTIZ, using Target Phone 13, placed an outgoing call (Call #708) to ORTUNO-Gomez, who was using Ortuno-Gomez Phone 2. During this call, ORTUNO-GOMEZ asked, "Where are you buddy? Did you already grill the meat [obtain the cocaine], or what?" ORTIZ replied, "No, we are here trying to cook something [obtain the cocaine for ORTUNO-GOMEZ]." ORTUNO-GOMEZ stated, "Alright. I'll be dropping by in a couple of minutes there, at your house." ORTIZ asked, "Alright then. Uh...more or less in how much?" ORTUNO-GOMEZ confirmed, "10 minutes and counting now." ORTIZ responded, "Alright then. I'll see you in a bit."

35. At approximately 7:48 p.m., ORTIZ, using Target Phone 13, placed an outgoing call



(Call #710) to ORTUNO-Gomez, who was using Ortuno-Gomez Phone 2. During this call, ORTUNO-Gomez stated, "Come out buddy, I'm already here [at ORTIZ's residence]."

36. At approximately 7:48 p.m., surveillance observed a black 2003 BMW X5, bearing Wisconsin license plate 286TGF ("the black BMW"), arrive at ORTIZ's residence and observed ORTIZ standing on the driveway of ORTIZ's residence with the garage door open. The black BMW backed into the driveway of ORTIZ's residence and ORTUNO-GOMEZ, wearing a pink shirt, exited the black BMW and opened the rear hatch of the black BMW. ORTUNO-GOMEZ then sat on the open rear hatch of the black BMW as ORTUNO-GOMEZ and ORTIZ had a conversation.

37. At approximately 8:03 p.m., ORTIZ, using Target Phone 13, placed an outgoing call (Call #712) to CONTRERAS, who was using Contreras Phone 1. During this call, ORTIZ asked, "Are you busy?" CONTRERAS replied, "A little." ORTIZ asked, "What time do you think you'll free up?" CONTRERAS advised, "Uh, in a little bit, do you want me to stop by?" ORTIZ stated, "Well, if you want, but I was going to tell you we should go get some tacos [cocaine], just three tacos [reference to CONTRERAS supplying ORTIZ with three kilograms of cocaine]." CONTRERAS remarked, "Okay, that's fine." ORTIZ asked, "So what time do you think you'll be here?" CONTRERAS advised, "Give me 25 minutes." ORTIZ remarked, "Alright then, sounds good."

38. At approximately 8:51 p.m., ORTIZ, using Target Phone 13, placed an outgoing call (Call #717) to CONTRERAS, who was using Contreras Phone 1. During this call, CONTRERAS stated, "Buddy, two minutes. I'm already by the park over here again. Just one minute [CONTRERAS would arrive to ORTIZ's residence shortly]." ORTIZ remarked, "Alright, then."

39. At approximately 8:55 p.m., surveillance observed the gold Cadillac arrive at ORTIZ's residence. Moments later, surveillance observed the gold Cadillac park on the street in front of the residence.

40. Based on the intercepted telephone calls, surveillance and the investigation as a whole, I believe CONTRERAS delivered two kilograms of cocaine to ORTIZ during this meeting at ORTIZ's residence.

41. At approximately 9:02 p.m., surveillance observed the gold Cadillac depart ORTIZ's residence.

42. At approximately 9:25 p.m., surveillance observed the black BMW depart ORTIZ's residence.

43. At approximately 9:30 p.m., DEA agents conducted an investigative stop of the black BMW in the area of Summit and Hiawatha in Elgin, Illinois. At this time, DEA agents identified ORTUNO-GOMEZ as the driver of the black BMW and also identified Individual A as the passenger in the front seat of the black BMW. ORTUNO-GOMEZ provided a Mexican passport, Mexican consular identification card, and Wisconsin identification card to law enforcement. Individual A told the DEA agents that Individual A and ORTUNO-GOMEZ were in Elgin from Madison, Wisconsin, to purchase a car. Individual A could not identify the specific location that Individual A and ORTUNO-GOMEZ traveled to in order to purchase a car. ORTUNO-GOMEZ separately told the DEA agents that he was at his friend "Mario's" house, where "Mario" was going to look at the black BMW to fix it. ORTUNO-GOMEZ and Individual A each provided verbal consent to search the black BMW. The black BMW was transported to a secure DEA facility for inspection.

44. On June 7, 2012, DEA agents executed a federal search warrant of the black BMW and seized two rectangular-shaped objects, wrapped in black tape and cellophane, from a speaker box in the rear cargo area of the black BMW. The substance contained in the two rectangular objects was later analyzed by the North Central Regional Laboratory and were found to weigh approximately two kilograms and contain cocaine.

45. During a further search of the vehicle, DEA agents located documents inside the passenger compartment of the black BMW bearing the name of "Miguel Ortuno."

#### **IV. Conclusion**

46. Based on the foregoing, I respectfully submit that there is probable cause to believe that:

a. On or about June 5, 2012, VICTOR MANUEL CONTRERAS, also known as "Jesse," did knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, five kilograms or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

b. On or about June 5, 2012, MARIO ORTIZ, did knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, five kilograms or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

c. On or about June 5, 2012, ORLANDO PENALOZA, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

d. On or about June 5, 2012, MIGUEL ORTUNO-GOMEZ, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

FURTHER AFFIANT SAYETH NOT.

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B. COLIN DICKEY  
Special Agent, Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on September 18, 2012.

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Maria Valdez  
United States Magistrate Judge