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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

v.

CASE NUMBER:

RICHARD C. RINCON,  
also known as "Suds"

**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 July 3, 2013, at Chicago, in the Northern District of Illinois, Eastern Division RICHARD C. RINCON, also known as "Suds," defendant herein:

having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting interstate commerce a firearm, namely, a Phoenix Arms Model Raven .25 caliber handgun bearing serial number 3124361, which firearm had traveled in interstate commerce prior to the defendant's possession of the firearm;

in violation of Title 18, United States Code, Section 922(g)(1). I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

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Signature of Complainant  
MATTHEW SAUL  
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

July 29, 2013  
Date

at Chicago, Illinois  
City and State

Arlander Keys, U.S. Magistrate Judge  
Name & Title of Judicial Officer

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Signature of Judicial Officer

UNITED STATES DISTRICT COURT            )  
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NORTHERN DISTRICT OF ILLINOIS        )

AFFIDAVIT

I, MATTHEW SAUL, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed for approximately 4 years. I am currently assigned to the FBI Chicago Field Office, Criminal Enterprise Squad. I have received training in the enforcement of federal narcotics laws. I have also been involved in a number of narcotics trafficking and gang investigations, including multiple long-term investigations.

2. This affidavit is submitted in support of a criminal complaint alleging that RICHARD C. RINCON, also known as “Suds,” has violated Title 18, United States Code, Section 922(g)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging RINCON with possession of a firearm by a convicted felon, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, my review of reports, information provided by confidential informants, consensually recorded telephone calls and in-person meetings, and the training

and experience of other law enforcement officers with whom I have consulted.

4. At various points in this Affidavit, I will offer my interpretation of certain conversations in brackets. My interpretation of these conversations are based on my knowledge of the investigation to date, conversations with other law enforcement officers and agents, conversations with confidential sources, and my experience and familiarity with these types of investigations. The summaries of conversations do not include all potentially criminal conversations during this investigation, or all statements or topics covered during the course of a conversation. They do not represent finalized transcripts and may not represent the entire conversation that occurred between the identified individuals.

5. On June 30, 2013, acting at the direction of law enforcement, a confidential source ("CS-5")<sup>1</sup> placed a consensually recorded call to RINCON.<sup>2</sup> CS-5 asked, "My uncle's

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<sup>1</sup> CS-5 has a prior narcotics-related conviction. CS-5 also has multiple prior arrests for drug-related crimes, an arrest for knowing damage to property, and an arrest for a traffic offense. CS-5 also is facing a pending firearms-related charge in state court. Law enforcement has not provided CS-5 any benefit thus far in connection with that charge. The government previously contacted one of the state prosecutors and CS-5's attorney handling the state case to inquire whether the trial of that charge could be postponed to allow CS-5 to continue to cooperate. The federal government has explained to CS-5's attorney that while it is possible that CS-5's cooperation might be taken into account in relation to the state charge, the federal government cannot make any promises on behalf of the state prosecuting authorities, and CS-5 ultimately may receive no benefit in the state case for his/her assistance in this investigation. State authorities also have advised CS-5's attorney that the state charges will not be dropped in exchange for CS-5's cooperation, but that in the event that CS-5 is convicted, any cooperation will be made known to the sentencing judge. Thus far, CS-5 has been paid approximately in excess of \$13,000 in exchange for his/her truthful cooperation, for controlled purchases of narcotics and firearms conducted under the supervision of law enforcement, and for relocation expenses. In 2013, at the direction of law enforcement, CS-5 participated in a controlled purchase of a handgun from an individual who is not charged in this complaint. The suspect involved in that controlled purchase had a marijuana cigarette with him. During the controlled purchase, CS-5 asked to smoke the marijuana cigarette. When confronted by law enforcement about the unauthorized illegal activity, CS-5 stated that he/she did so because he/she wanted to

right here, he wanted to see if you can get . . . that one ounce [of cocaine] on Tuesday.” RINCON responded, “Yeah . . . I get it [RINCON could get the cocaine].” CS-5 then asked, “OK, how much [for the cocaine] . . . ?” RINCON stated, “Thirteen [\$1,300], butter [high quality cocaine].” Later in the conversation, CS-5 asked whether RINCON could give him a “strap [gun].” RINCON replied, “I think the only thing I could come up with right now is a little two-five [.25 caliber gun], dog.” CS-5 asked, “I’ll grab that off you how much [what is the price for the gun]?” RINCON stated, “Like a bill twenty-five [\$125].” CS-5 then inquired whether RINCON could get “some shells with that [ammunition to go with the gun].” RINCON stated, “Let me see if I can get some, alright?” CS-5 and RINCON then agreed to meet on July 2, 2013.

6. On July 2, 2013, CS-5 received a call from RINCON, and the call was consensually recorded. During the call, CS-5 asked whether RINCON was “ready.” RINCON replied, “Give me like 5 minutes and we’ll have them bring me the thing [gun], alright?” RINCON further advised that CS-5 should meet RINCON on Wood [Wood Street]. A few minutes later, CS-5 received another call from RINCON, and the call was consensually recorded. During the call, RINCON explained that “the guy that got the thing [gun]” was “not answering,” but that if CS-5 “want to come for the other shit [cocaine],” CS-

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act like he/she normally would have acted when meeting with the suspect and did not want to arouse suspicion. Law enforcement admonished CS-5 that he/she was not permitted to engage in such illegal conduct.

<sup>2</sup> RINCON has been identified as the speaker on this call and in other recordings described in this affidavit based in part on a comparison of the recorded calls to in-person body recordings with RINCON.

5 could come meet RINCON. CS-5 asked RINCON, “Thirteen, right [confirming the price of \$1,300 for the ounce of cocaine]?” RINCON confirmed, “Yeah.”

7. In anticipation of a meeting with RINCON to purchase cocaine, law enforcement searched CS-5's person for the presence of money and contraband. Law enforcement found no contraband. Law enforcement found \$15 on CS-5's person and took custody of that money for the duration of the meeting with RINCON. Law enforcement provided CS-5 with \$1,300 for the purchase of cocaine and an audio/video recording device.

8. According to CS-5 and a review of the recording, CS-5 walked from where he/she was meeting with law enforcement to RINCON's residence on Wood Street. CS-5 then entered RINCON's residence, and RINCON's voice can be heard on the recording stating, “Dude that's got that thing [the gun] he's not answering right now. . . . I get it another day, though.” CS-5 then proposed that he/she could come pick it up the following day. RINCON replied, “Alright, yeah . . . cause [Individual A] has it right now . . . .” On the recording, the sound of rustling paper, consistent with the sound of money being counted, can be heard. CS-5 can be heard saying, “It's all there, thirteen [\$1,300]. RINCON replied, “Alright.” A few moments later, CS-5 asked, “It's [the cocaine is] all there?” RINCON responded, “Yeah.” CS-5 and RINCON then agreed that they would meet again the following day at the same time.

9. The recording device then shows that CS-5 left RINCON's residence and walked back to a location where he met with law enforcement. When CS-5 returned from the meeting, he/she had in his/her possession a plastic bag containing a white substance that

later field-tested positive for the presence of cocaine. The substance has been sent to the DEA for analysis, but the FBI has not yet received the results of that analysis. When CS-5 returned from the meeting with RINCON, law enforcement searched his/her person and found no additional money or contraband.

10. On the evening of July 2, 2013, CS-5 placed a consensually recorded call to RINCON. During the call, CS-5 stated, “Tomorrow . . . I need another half from that [another half-ounce of cocaine].” RINCON replied, “Alright.” CS-5 then asked, “How much?” RINCON clarified, “For the half [half-ounce of cocaine]?” CS-5 stated, “Yeah.” RINCON then answered, “Give me five seven five [\$575].” CS-5 then stated, “He [CS-5's uncle, who allegedly was buying the gun and cocaine] also wanted to get that toy [gun], too.” RINCON then suggested that he would “call [Individual A] right now” and asked whether CS-5 was in the neighborhood. CS-5 stated that he/she was not nearby, but would meet with RINCON the following day.

11. On the morning of July 3, 2013, in anticipation of a meeting with RINCON to purchase cocaine and a gun, law enforcement searched CS-5's person for the presence of money and contraband and found none. Law enforcement provided CS-5 with \$575 for the purchase of approximately one-half ounce of cocaine and \$125 for the purchase of a firearm. Law enforcement also provided CS-5 with an audio/video recording device.

12. On July 3, 2013, at approximately 10:42 a.m., CS-5 received a call from RINCON, and the call was consensually recorded. During the call, CS-5 asked whether RINCON was “ready.” RINCON replied, “I’m trying to get the thing [gun] right now . . . .”

13. At approximately 10:50 a.m., law enforcement conducting surveillance in the vicinity of the 4500 block of South Wood Street in Chicago observed RINCON in an alley off that block next to a gray GMC vehicle. Law enforcement observed RINCON reach into the vehicle and retrieve a small pistol. Law enforcement then observed RINCON walk back toward his residence with the pistol in his hand.

14. According to CS-5 and a review of the recording device, CS-5 then walked from a location where he/she had been with law enforcement to RINCON's residence. CS-5 then entered RINCON's residence. During the meeting, RINCON's face can be seen at several points on the videorecording. After CS-5 entered the residence, CS-5 asked, "You got some shells [ammunition]?" RINCON replied, "Yeah." During the meeting, CS-5 further asked, "Is it [the gun] loaded right now?" RINCON answered, "Naw. That's how he brang it to me right now." Referring to the cocaine CS-5 had purchased on July 2, 2013, CS-5 stated, "That shit was good yesterday, bro . . . he liked that shit." RINCON answered, "it breaks up real easy [the cocaine was high quality]." Later during the meeting, RINCON can be heard saying, "It's [the gun is] on safety." CS-5 reports that during the meeting, RINCON gave CS-5 a handgun, ammunition, and a bag containing cocaine, and that CS-5 gave RINCON \$125 for the gun and \$575 for the cocaine. The recording device shows that CS-5 then left RINCON's residence and walked back to a location where he/she met with law enforcement.

15. When CS-5 returned from the meeting with law enforcement, he/she provided law enforcement with a plastic bag containing a white substance that later field-tested

positive for the presence of cocaine. The substance has been sent to the DEA for analysis, but the FBI has not yet received the results of that analysis. CS-5 also had in his/her possession a Phoenix Arms Model Raven .25 caliber handgun bearing serial number 3124361 and five rounds of .25 caliber ammunition. Law enforcement searched CS-5's person for the presence of money and contraband and found none.

16. According to a criminal records check, RINCON has at least two prior felony convictions: (1) a conviction in 1999 in Cook County Circuit Court for manufacturing/delivering 30-500 grams of cannabis; and (2) a conviction in 2008 in Cook County Circuit Court for manufacturing/delivering 100 to 400 grams of cocaine.



17. According to a trace report conducted by the ATF, Phoenix Arms is located in Ontario, California. The trace report from the ATF further indicates that the Phoenix Arms Model Raven .25 caliber handgun bearing serial number 3124361 was purchased from a licensed firearms dealer in Yazoo City, Mississippi, in 1993.

FURTHER AFFIANT SAYETH NOT.

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MATTHEW SAUL  
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on July 29, 2013.

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Arlander Keys  
United States Magistrate Judge