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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

v.

CASE NUMBER:

ROCO CERVANTES,  
also known as "Rock,"  
DANNY PULIDO, and  
JOSE M. LOPEZ,  
also known as "Baby J"

**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 November 2012, and continuing at least through April 2013, at Chicago, in the Northern District of Illinois, Eastern Division, ROCO CERVANTES, also known as "Rock," and DANNY PULIDO, defendants herein:

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

in violation of Title 21, United States Code, Section 841(a), all in violation of Title 21, United States Code, Section 846.

**Count Two**

On or about December 2, 2012, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

JOSE M. LOPEZ, aka "Baby J,"

defendant herein, did knowingly and intentionally distribute a controlled substance, namely, a mixture or substance containing a detectable amount of cocaine, a Schedule II 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 Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

\_\_\_\_\_  
Signature of Complainant  
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

\_\_\_\_\_  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT            )  
  )        ss  
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 ROCO CERVANTES, also known as “Rock,” and DANNY PULIDO, have violated Title 21, United States Code, Section 846, and that JOSE M. LOPEZ, aka “Baby J,” has violated Title 21, United States Code, Section 841(a). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging CERVANTES and PULIDO with conspiracy to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, and charging LOPEZ with knowingly and intentionally distributing a controlled substance, namely, a detectable amount of cocaine, 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 defendants committed

the offenses 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, communications intercepted pursuant to court-authorized wiretaps, my training and experience, 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 is 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. Several of the recorded conversations described below occurred partly in the Spanish language. Quotations of the Spanish portions of the conversations are based on draft transcripts.

**Controlled Purchase Of 248.7 Grams Of Powder Cocaine**  
**From JOSE LOPEZ To CS-4 On December 2, 2012**

5. As described in greater detail below, the evidence gathered thus far in the investigation shows that, on December 2, 2012, LOPEZ sold approximately 248.7 grams of powder cocaine to CS-4, a confidential source acting at law enforcement's direction. The

evidence further shows that CERVANTES was LOPEZ's upstream source of supply for these drugs, and that CERVANTES and PULIDO were engaged in a conspiracy to distribute the cocaine to LOPEZ.

6. On or about November 28, 2012, at approximately 3:53 p.m. (session # 39), a confidential source ("CS-4"),<sup>1</sup> acting at the direction of law enforcement, sent a text message to (708) 495-6762 ("**Target Phone 2**"), which is a telephone used by JOSE M. LOPEZ.<sup>2</sup> This text message was intercepted pursuant to a court-authorized wiretap on

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<sup>1</sup> CS-4 has been cooperating with law enforcement since in or around October 2012. CS-4 has pled guilty to a narcotics violation previously. State authorities have advised that, between 2012 and 2013, CS-4 tested positive for cocaine on multiple occasions in violation of the terms of his/her probation. In 2013, CS-4 had his/her probation revoked and was taken into custody because of these violations. CS-4 also has violated the terms of probation by failing to appear for a court date. CS-4 has been arrested multiple times. CS-4 is cooperating in exchange for a financial benefit. Thus far, CS-4 has been paid over \$11,000 in exchange for his/her truthful cooperation, which figure includes a relocation payment and reimbursement for a cellphone. On November 30, 2012, agents intercepted CS-4 having unauthorized contact with JOSE LOPEZ. During one of the unauthorized contacts, it appeared that LOPEZ offered CS-4 a quantity of cocaine, which CS-4 refused. One of the unauthorized contacts also indicated that CS-4 was on his/her way to meet with LOPEZ without law enforcement approval. Law enforcement responded to the scene and intercepted CS-4 before he/she arrived at LOPEZ's residence. CS-4 was intoxicated and gave no reason for why he/she would be meeting with LOPEZ without law enforcement authority, but did later admit that he/she has a substance abuse problem. Law enforcement has instructed CS-4 to seek treatment for his/her substance abuse problem. CS-4 further has been advised that he/she was not to have any unauthorized contact with LOPEZ.

<sup>2</sup> LOPEZ has been identified as the user of **Target Phone 2** based in part on the following: (1) law enforcement has compared the voice of the user of **Target Phone 2** to in-person consensually recorded meetings with LOPEZ and found them to be the same voice; (2) LOPEZ has been observed by surveillance and through consensual recordings arriving at meetings at times consistent with communications intercepted over **Target Phone 2**; and (3) on November 14, 2012, law enforcement surveillance observed LOPEZ at a T-Mobile store at 4309 S. Ashland, and records from T-Mobile indicate that **Target Phone 2** was purchased at that T-Mobile store on that date.

**Target Phone 2.**<sup>3</sup> In the text message, CS-4 wrote, “Yo my guys is gonna come bak but he wants to kno if u can give it cheaper he wants 8 now [CS-4’s purported cocaine customer wanted to buy 8 ounces of cocaine and wanted it at a reduced price].”

7. At approximately 3:55 p.m. (Session # 41), LOPEZ, who was using **Target Phone 2**, sent a text message in response to CS-4. In the text message, LOPEZ wrote, “I only got 4 and a half right now [LOPEZ only currently had 4 ½ ounces of cocaine].”

8. At approximately 3:56 p.m. (Session #43), LOPEZ, who was using **Target Phone 2**, received a reply text message from CS-4. In the text message, CS-4 wrote, “He aint comin today mayb tomarrow or da nex day [CS-4’s purported cocaine customer would not be ready to buy the 8 ounces of cocaine until the next day or the day after that].”

9. At approximately 3:56 p.m. (Session # 44), LOPEZ, who was using **Target Phone 2**, sent a text message in response to CS-4. In the text message, LOPEZ wrote, “I c what I can do [LOPEZ would try and get the 8 ounces of cocaine].”

10. On November 30, 2012, at approximately 4:00 p.m. (Session # 264), LOPEZ, who was using **Target Phone 2**, received a telephone call from CERVANTES, who was using (773) 512-2861.<sup>4</sup> CERVANTES stated, “You gonna call me today or what? I got good

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<sup>3</sup> All of the text messages and telephone calls to or from **Target Phone 2** described in this affidavit were intercepted pursuant to a court-authorized wiretap on **Target Phone 2**.

<sup>4</sup> CERVANTES has been identified as the user of this telephone number based in part on the following: (1) the voice on these calls has been compared to consensually recorded, in-person meetings with CERVANTES, and they have been found to be the same voice; (2) as described more below, on December 2, 2012, law enforcement conducted a traffic stop of a vehicle that CERVANTES was traveling in and, after interviewing CERVANTES in person, listened to a sampling of calls on this number and found the speaker to have the same voice; (3) a

news everywhere mother fucker, everywhere, everywhere.” LOPEZ said, “Well, I got some people that want some shit [cocaine], but I still have a little bit [cocaine] that I have to get rid of.” CERVANTES said, “Alright well, do the thing, and I’ll . . . you know what I’m telling you man, it’s looking better, it’s looking better, way better [CERVANTES had larger amounts of cocaine on hand].” LOPEZ said, “Man, well I still got like 3, 3 um, 3 zips [LOPEZ still had approximately 3 ounces of cocaine].” CERVANTES replied, “Alright, just hit me up, let me know.” LOPEZ said, “Well I got somebody that wants like a ‘nina’ [LOPEZ had a customer who wanted to buy approximately 9 ounces of cocaine].” CERVANTES said to call him.

11. On December 1, 2012, at approximately 5:57 p.m. (Session # 452), LOPEZ, who was using **Target Phone 2**, received an incoming phone call from CERVANTES, who was using telephone number (773) 512-2861. During the phone call, CERVANTES asked, “What is it you want? What is it you are going to need [how much cocaine did LOPEZ need]? Cause I’m going to get it ready right now. . . . find out and call me back J [Baby J].” LOPEZ stated, “Alright. Give me like 20 minutes.” CERVANTES stated, “Yeah . . . call me back.”

12. LOPEZ then called CS-4, but CS-4 did not answer the phone call. At approximately 6:18 p.m. (Session # 455), LOPEZ, who was using **Target Phone 2**, received

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criminal records check for CERVANTES indicates that he was born on December 13, 1971, and on December 13, 2012, law enforcement intercepted a call between **Target Phone 2** and (773) 512-2861 wherein the caller stated that it was his birthday; and (4) LOPEZ has referred to this caller as “Rock” and “Rocky,” which both appear to be common nicknames for Roco.

an incoming phone call from CS-4. During the phone call, LOPEZ asked, “Your guy still wanted that [8 ounces of cocaine] cause I’m probably going to have it in a hour.” CS-4 asked, “All eight [LOPEZ would have all 8 ounces]?” LOPEZ responded, “Yeah.” CS-4 stated, “Alright, let me call him.”

13. A few seconds later, at approximately 6:18 p.m. (Session # 456), LOPEZ, who was using **Target Phone 2**, made an outgoing phone call to CERVANTES, who was using (773) 512-2861. During the call, LOPEZ stated, “Yeah, he said a nine [LOPEZ wanted 9 ounces of cocaine].” CERVANTES then asked LOPEZ about paying for the cocaine. LOPEZ stated, “I got to wait till they come and grab it.” CERVANTES then asked about money LOPEZ owed CERVANTES for previously fronted cocaine. LOPEZ responded, “I got the rest of it [money] . . . for that other shit [cocaine].” CERVANTES stated, “I’m going to send one of the boys [PULIDO] over there right now.” LOPEZ stated, “Alright.” CERVANTES stated, “Meet him somewhere J.” LOPEZ stated, “Food For Less.” CERVANTES stated, “Alright. Bye. He’ll call you right now.”

14. At approximately 8:14 p.m. (Session # 461), LOPEZ, who was using **Target Phone 2**, received an incoming phone call from DANNY PULIDO, who was using telephone number (708) 300-4756.<sup>5</sup> During the phone call, PULIDO asked, “Ready?” LOPEZ asked,

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<sup>5</sup> PULIDO has been identified as the user of (708) 300-4756 based in part on the following: (1) on July 23, 2013, law enforcement conducted a traffic stop of a vehicle that PULIDO was traveling in, interviewed PULIDO, and confirmed that the voice on these calls was the voice of PULIDO; and (2) CERVANTES refers to this caller as his brother, and during the July 23, 2013 traffic stop, PULIDO admitted that he is CERVANTES’s brother.

“Where you at?” PULIDO stated, “I’m right here. Like, 55th and shit, Pulaski.” LOPEZ stated, “Alright, well, just call me when you are by Food For Less.” PULIDO stated, “Don’t have me waiting right there . . . I really have a lot of shit [cocaine] on me . . . .” LOPEZ responded, “Oh, oh, alright.”

15. That evening, law enforcement established surveillance in the vicinity of the Food 4 Less convenience store at 4620 S. Damen Avenue in Chicago. At approximately 8:25 p.m., law enforcement observed a grey Ford Escape parked in the parking lot of the Food 4 Less. Based on prior surveillance and communications intercepted pursuant to court authorization, law enforcement had identified this as a vehicle frequently driven by LOPEZ.

16. At approximately 8:42 p.m. (Session # 478), LOPEZ, who was using **Target Phone 2**, received an incoming phone call from PULIDO, who was using telephone number (708) 300-4756. During the phone call, PULIDO stated, “Hey, get up already. Don’t make me wait already. I’m trying not to wait.” In response, LOPEZ stated, “Alright. I’ve been right here. I’ve been sitting here since you called me.” PULIDO stated, “Ahhh shit. I’m ten minutes away. I’m sorry. I’ll be right there.” PULIDO then asked, “where you parked by?” LOPEZ responded, “In the lot but close to the gas station.” PULIDO replied that he was “comin’ down 47th now.”

17. At approximately 8:48 p.m., law enforcement observed a white Buick minivan bearing Illinois tag R392455 arrive in the parking lot of the Food 4 Less. A Hispanic male was observed getting out of the passenger side of the white Buick minivan and getting into the passenger side of the grey Ford Escape. About one minute later, the Hispanic male was

observed getting out of the passenger side of the grey Ford Escape, and walking back to the passenger side of the white Buick minivan.

18. On December 2, 2012, at approximately 2:49 p.m. (Session # 518), LOPEZ, who was using **Target Phone 2**, received an incoming phone call from CS-4. During the phone call, CS-4 asked, “Hey, you got that [the cocaine] already?” LOPEZ responded, “Yeah . . . give me like an hour cause I’m about to go do something real quick.” CS-4 stated, “Alright.”

19. At approximately 3:56 p.m. (Session # 521), LOPEZ, who was using **Target Phone 2**, received an incoming phone call from CS-4. During the phone call, CS-4 asked, “You home now?” LOPEZ responded, “Yeah.”

20. In anticipation of a meeting between CS-4 and LOPEZ to conduct a controlled purchase of cocaine with LOPEZ, law enforcement searched CS-4 for contraband and cash with negative results. An agent then equipped CS-4 with an audio/video recording device and gave \$9,600 to CS-4 in order to buy the cocaine from LOPEZ. CS-4 then walked to 4549 S. Hermitage to meet LOPEZ.

21. A few minutes later, at approximately 4:10 p.m. (Session # 528), LOPEZ, who was using **Target Phone 2**, received an incoming phone call from CS-4. During the phone call, CS-4 stated, “Hey, I’m at your back door.” LOPEZ responded, “Alright.” According to CS-4 and the recording of the drug deal, LOPEZ then opened the back door and CS-4 entered the Hermitage residence. Once inside, LOPEZ asked, “Eight right [CS-4 wanted 8 ounces of cocaine]?” CS-4 stated, “Yeah.” CS-4 then handed LOPEZ the \$9,600.

22. The video of the recorded meeting shows LOPEZ holding up a chunk of a white substance that appears to be cocaine. CS-4 advises that, after LOPEZ had the \$9,600, LOPEZ placed a large piece of suspect cocaine into a clear plastic bag and handed it to CS-4. According to CS-4 and the recording, LOPEZ then counted the money. CS-4 asked, "So it's straight [all the money was there]?" LOPEZ responded, "Yeah." CS-4 asked, "This is, um, 224 [224 grams of cocaine] right?" LOPEZ said, "Yeah, it is exactly eight [8 ounces], right, that's what you said?" CS-4 confirmed that he/she wanted 8 ounces of cocaine, and LOPEZ returned CS-4 \$300 from the \$9,600 CS-4 had given to LOPEZ for the cocaine.

23. CS-4 left the Hermitage residence a short time later and met agents at a predetermined location. Agents retrieved the recording device, the suspected cocaine CS-4 bought from LOPEZ, and the \$300 LOPEZ returned to CS-4. CS-4 was searched for additional contraband and cash with negative results. The suspect cocaine was sent to the DEA for analysis, where it tested positive for cocaine hydrochloride, weighing approximately 248.7 grams.

24. On December 2, 2012, at approximately 4:32 p.m. (Session # 537), LOPEZ, who was using **Target Phone 2**, sent an outgoing text message to CERVANTES, who was using telephone number (773) 512-2861. In the text message, LOPEZ wrote, "Send someone over for them tickets [CERVANTES should pickup the drug proceeds]."

25. At approximately 5:03 p.m. (Session # 538), LOPEZ, who was using **Target Phone 2**, received an incoming text message from CERVANTES, who was using telephone number (773) 512-2861. In the text message, CERVANTES wrote, "On my way!"

26. At approximately 5:35 p.m., officers and agents conducting surveillance observed the same white Buick referenced in paragraph 17 above parked at the corner of 46th and Hermitage. At approximately 5:45 p.m., surveillance observed a then-unidentified Hispanic male, later identified as CERVANTES, walking away from the vicinity of 4549 S. Hermitage and entering the front passenger seat of the white Buick. The white Buick then drove away.

27. Surveillance officers from the Chicago police department followed the white Buick as it drove south on Western Blvd. Officers observed the white Buick disregard a red light signal at 47th and Western Blvd. and then conducted a traffic stop of the Buick.

28. During the traffic stop, the officers identified PULIDO as the driver of the Buick and CERVANTES as the passenger. According to one of the officers, when CERVANTES produced his driver's license to identify himself, the officer observed two stacks of U.S. currency in CERVANTES' wallet. The officer observed that the stacks of currency were ordered by denomination.

29. One of the officers asked PULIDO and CERVANTES where they were coming from and CERVANTES told officers that he and PULIDO had just come from a church located at 45th and Wood St. CERVANTES claimed that they had attended the 5:00 p.m. church service. CERVANTES told the officers that he was on his way to buy a car from a private party.

30. After the traffic stop, the officers who conducted the traffic stop and talked to CERVANTES listened to phone calls intercepted over **Target Phone 2** involving telephone

number (773) 512-2861. The officers compared the voice of the user of (773) 512-2861 with CERVANTES's voice and determined CERVANTES was the user of (773) 512-2861.

**CERVANTES Supplies Approximately 9 Ounces Of Powder Cocaine To LOPEZ  
Who Distributes That Cocaine To Individual A On December 15, 2012**

31. As described in greater detail below, the evidence further shows that on December 15, 2012, LOPEZ distributed approximately 9 ounces of powder cocaine to Individual A, who took the cocaine and fled without paying. The evidence further shows that CERVANTES and PULIDO conspired to distribute those drugs to LOPEZ.

32. On December 10, 2012, at approximately 7:47 p.m. (Session # 810), LOPEZ, who was using **Target Phone 2**, received a call from Individual A. During the call, Individual A said, "My guy is coming on Saturday though. . . . Should I tell him to come by or not to come [would LOPEZ have cocaine to sell]?" LOPEZ replied, "Yeah, I should have something by Saturday." LOPEZ asked, "You tired of getting cut and rerock [diluted cocaine]?" Individual A responded, "Nah, I want the raw!" Individual A then stated, "He's coming for a 9 piece [Individual A's alleged customer wanted 9 ounces of cocaine]." Individual A continued, "I don't know if he wants the 9 piece for sure but he's gonna want a 4 and a split for sure [Individual A's purported cocaine customer wanted to buy at least 4.5 ounces of cocaine] . . . so let me know what's up." LOPEZ said, "Alright."

33. On December 14, 2012, at approximately 11:00 a.m. (Session # 1155), LOPEZ, who was using **Target Phone 2**, placed a call to CERVANTES, who was using telephone number (773) 512-2861. During the call, LOPEZ asked, "How we looking [did

CERVANTES have cocaine to distribute]?” CERVANTES replied, “Everything is great over here . . . What did I say I owed you [units of narcotics]?” LOPEZ stated, “Well, you gave me three.” CERVANTES replied, “So, what are you looking for right now?” LOPEZ answered, “. . . I need a nine [nine ounces of cocaine]. My guy’s coming for it.” CERVANTES replied, “I’m gonna get up with ya . . . it’s got to be C.O.D. [cash on delivery].” LOPEZ then further explained, “I’m trying to get it . . . all ready and shit . . . he’s coming from out of state.” Later in the conversation, LOPEZ stated, “Give me like an hour, I’ll go that way . . . I’ll meet you wherever . . . you got to be.” Later still in the conversation, CERVANTES stated, “Trust me, I’m gonna hold it for you.”

34. On December 15, 2012, at approximately 12:34 p.m. (Session # 1263), LOPEZ, who was using **Target Phone 2**, received a call from Individual A. Individual A asked what happened [Individual A wanted an update about whether LOPEZ would deliver the cocaine]. LOPEZ told Individual A to give LOPEZ an hour and he would know for sure [whether he could deliver the cocaine].

35. At approximately 1:59 p.m. (Session # 1276), LOPEZ, who was using **Target Phone 2**, received a call from CERVANTES, who was using telephone number (773) 512-2861. LOPEZ explained that he wanted to see what was going on because his cocaine customer was coming. CERVANTES later said that he was going to try to get “it” [the cocaine] for LOPEZ right now.

36. At approximately 4:27 p.m. (Session # 1304), LOPEZ, who was using **Target Phone 2**, received a call from CERVANTES, who was using telephone number (708) 300-

4756. CERVANTES said they were going to have a “get together” and asked LOPEZ how long he would take. LOPEZ said he would arrive in 30 to 40 minutes.

37. At approximately 4:36 p.m. (Session # 1307), LOPEZ, who was using **Target Phone 2**, received a call from Individual A. During the call, LOPEZ stated, “I’m gonna go take a look at it right now, but I’m gonna get it [cocaine]. I’ll let you know how it is right now.”

38. At approximately 5:10 p.m. (Session # 1310), LOPEZ, who was using **Target Phone 2**, placed a call to Individual A. LOPEZ explained, “It [the cocaine] looks powdery, but it’s nice.” Individual A responded that he would “call you when dude [Individual A’s purported customer] comes . . . it’s gonna be around eight or nine.”

39. At approximately 6:16 p.m. (Session # 1316), LOPEZ, who was using **Target Phone 2**, placed a call to Individual A. LOPEZ explained, “So you want me to grab it [the cocaine] or not, ‘cause I just left from there.” Individual A said, “How much shake [dilutant] is it?” LOPEZ replied, “. . . it’s mostly shake [dilutant] . . . I personally wouldn’t grab it myself . . . that’s why I didn’t take it. That’s why I called you . . .” LOPEZ then suggested that he could obtain a sample for Individual A’s customer to view, saying that the customer could “try it out before you take it.” Individual A agreed, and the call ended.

40. At approximately 6:23 p.m. (Session # 1318), LOPEZ, who was using **Target Phone 2**, received a call from Individual A. Individual A said that “dude said that he’s gonna . . . that he’ll grab that sample.”

41. At approximately 7:37 p.m. (Session # 1329), LOPEZ, who was using **Target Phone 2**, received a call from Individual A. Individual A said, “Bring me the sample right now . . . let me have it . . . before he [Individual A’s alleged cocaine customer] gets here.” Individual A stated that he would be “in front of my crib waiting.” LOPEZ replied, “Alright.”

42. At approximately 7:47 p.m. (Session # 1333), LOPEZ, who was using **Target Phone 2**, received a call from Individual A. Individual A stated, “He said he wants it [Individual A’s alleged cocaine customer wanted to buy the cocaine].” LOPEZ said, “Alright, well I’ll just go grab it.” LOPEZ explained that he would go to Archer and Cicero [to pick up the rest of the cocaine] and come back.

43. At approximately 7:50 p.m. (Session # 1336), LOPEZ, who was using **Target Phone 2**, placed a call to (708) 300-4756. During the call, LOPEZ spoke with CERVANTES and asked, “You still got that, or no?” CERVANTES replied, “Yeah . . . .” LOPEZ further clarified, “. . . the rest of what I left over there [the balance of the cocaine], you still got it?” CERVANTES replied, “Yeah.” LOPEZ then stated, “I’m gonna go get it . . . .”

44. At approximately 8:56 p.m. (Session # 1349), LOPEZ, who was using **Target Phone 2**, received a call from Individual A. LOPEZ said that he was driving on 47th Street, and told Individual A to be in the back.

45. At approximately 10:46 p.m. (Session # 1388), LOPEZ, who was using **Target Phone 2**, placed an outgoing call to Individual B. During the call, LOPEZ stated, “I think this fuckin’ little bitch broke on my ass [Individual A took the cocaine without paying for it].” LOPEZ continued, “. . . He [Individual A] took like ten stacks worth of shit [\$10,000 worth of cocaine] . . . I gave it to him and he ran . . . .”

46. On December 17, 2012, at approximately 4:25 p.m. (Session # 1574), LOPEZ, who was using **Target Phone 2**, received a call from CERVANTES, who was using (708) 300-4759. CERVANTES asked, “What’s the word?” LOPEZ replied, “I was waiting on you. I told you to have somebody come over.” CERVANTES then stated, “Alright, I’m going to send my brother [PULIDO] right now [to pick up payment for the cocaine CERVANTES previously had given to LOPEZ].”

47. On December 18, 2012, at approximately 3:34 p.m. (Session # 1646), LOPEZ, who was using **Target Phone 2**, placed a call to CERVANTES, who was using (708) 300-4759. During the call, CERVANTES said that his “guy” [PULIDO] “didn’t go yesterday . . . he was supposed to go [to pick up money from LOPEZ].” Later in the call, CERVANTES said, “I’m gonna call my brother right now . . . .”

48. At approximately 4:42 p.m. (Session # 1653), LOPEZ, who was using **Target Phone 2**, received a call from CERVANTES, who was using (708) 300-4759. CERVANTES asked, “You by your crib?” LOPEZ replied, “Yeah.” CERVANTES then stated, “Alright, my brother’s [PULIDO] on his way with [Individual C].”

49. At approximately 5:07 p.m., law enforcement observed the same white Buick described above in paragraphs 17 and 26 illegally using the east alley of South Marshfield Avenue between 44th Street and 45th Street as a throughway. The officers conducted a traffic stop of the vehicle and identified DANIEL PULIDO as the driver of the vehicle and Individual C as the passenger. The officers instructed both occupants of the Buick to get out of the vehicle. An officer then conducted a cursory search of PULIDO and found approximately \$5,000 in cash in the front pocket of his jacket, along with a cellphone. The officer seized the cash and returned the cellphone to PULIDO. An officer then conducted a cursory search of the white Buick and found \$15 in cash in the center console of the vehicle. That cash also was seized. At approximately 5:14 p.m., PULIDO and Individual C were allowed to leave the scene so as not to compromise the ongoing investigation. Based on my training and experience and the sequence of calls and events, the \$5,000 appears to be a partial payment for cocaine previously fronted from CERVANTES to LOPEZ.

50. At approximately 5:23 p.m. (Session # 1661), LOPEZ, who was using **Target Phone 2**, received a call from PULIDO, who was using (708) 300-4756. PULIDO exclaimed, “The narcs [police officers] just robbed us.” PULIDO explained that they were pulled over by the police after leaving LOPEZ’s house “and they took our money, dog.”

51. At approximately 5:43 p.m. (Session # 1666), LOPEZ, who was using **Target Phone 2**, placed a call to PULIDO, who was using (708) 300-4756. During the call, LOPEZ asked, “You didn’t find them [the police]?” PULIDO replied, “Hell no I didn’t find them.” LOPEZ then stated, “I’m right here looking for them . . . they’re not even in the hood no

more. There's no narcs [police] in the hood at all." LOPEZ later stated, "I want to know how the fuck did they [the police] catch you when they were all the way behind you though?" LOPEZ continued, "When you went down Hermitage, they went towards Wood on 46th." PULIDO then handed the phone to CERVANTES, who said, "... I'm not doing this ... I'm not going over there anymore. That's the second time that happened to me coming out of that motherfucker [leaving LOPEZ' neighborhood]. Either someone is putting them on you, or, it's the second fucking time alright J [Baby J]. Other time [referring to the traffic stop on December 2, 2012 when police did not seize any money], they didn't fuck with me. But this is the second time they do that to me comin' out there... That's the second time that ... pulls us over." Later in the call, CERVANTES stated, "I don't know what the fuck is going on man. That's crazy. I don't even want to get my little brother [PULIDO] involved in bullshit like this."

**Distribution Of 167.6 Grams Of Cocaine By CERVANTES and PULIDO  
To CS-5 On April 26, 2013**

52. The evidence gathered thus far in the investigation further shows that on April 26, 2013, CERVANTES, with the assistance of PULIDO, sold approximately 167.6 grams of powder cocaine to CS-5, a confidential informant working with law enforcement.

53. On April 22, 2013, acting at the direction of law enforcement, CS-5,<sup>6</sup> a confidential informant, placed a consensually recorded call to (773) 732-7954, a telephone number used by CERVANTES.<sup>7</sup> During the call, CS-5 stated, “Thursday [CS-5 wanted to meet Cervantes on Thursday to purchase drugs].” CERVANTES responded in Spanish with

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<sup>6</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 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>7</sup> CERVANTES has been identified as the user of (773) 732-7954 based in part on the following: (1) the voice on calls over this number has been compared to the voice of the user of (773) 512-2861, and has been found to be the same voice; (2) as described above, CERVANTES had been identified as the user of (773) 512-2861; (3) the voice on calls with (773) 732-7954 has been compared to CERVANTES's voice from in-person recordings with CERVANTES, and been found to be the same voice; and (4) CERVANTES arrived at meetings at times and in places consistent with recorded calls over this telephone number.

words to the effect of “it’s good, it’s good.” CS-5 then stated, “I want six [six ounces of cocaine].”

54. CS-5 advises that, on the morning of April 26, 2013, he/she received an unrecorded and unmonitored telephone call from CERVANTES. Law enforcement reviewed the incoming call log on CS-5's phone and verified an incoming call from CERVANTES to CS-5's phone that morning. According to CS-5, during the call, CERVANTES asked if they were still going to “do that [conduct the cocaine transaction].” CS-5 states that he/she replied that they would, and that CS-5 and CERVANTES agreed to meet at Pete’s Market, a store located near the intersection of 47th Street and Kedzie in Chicago.

55. On April 26, 2013, in anticipation of a meeting with CERVANTES to conduct a controlled purchase of cocaine, law enforcement searched CS-5 for the presence of drugs or money and found none. Law enforcement then provided CS-5 with \$6,300 in funds for the purchase of cocaine, and provided CS-5 with an audio/video recording device.

56. Surveillance then observed CS-5 walk to Pete’s Market, where he/she was picked up by a black van. Surveillance later identified CERVANTES as the driver of the van, and the review of the recording from the meeting confirms that CERVANTES met with CS-5 at this time. After CERVANTES picked up CS-5, CS-5 asked in Spanish, “Do you have that [the cocaine] or what?” CERVANTES replied, “No, I don’t have it with me.” CERVANTES can be heard on the recording stating that he was “nervous” and further “I don’t fuck with nobody from the neighborhood . . . cause they’re a bunch of fuckin’ snitch

ass . . . niggas . . . .” CS-5 responded, “Do you want the money or not?” CERVANTES later stated, “It’s not about the money. I’m talking about staying out of fucking jail.”

57. Surveillance then followed the black van to a carwash on South Archer Street, where surveillance observed CERVANTES get out of the vehicle. A review of the recording device confirms that CS-5 also got out of the vehicle at this time.

58. While at the car wash, CERVANTES placed a call on a telephone and stated, “Just make sure you don't leave it around, you know what I'm saying, where it's visible . . . .” After the black van was done being washed, CERVANTES and CS-5 got back into the vehicle and began to drive to another location. While driving, CERVANTES can be heard on the recording, apparently talking to an individual on his phone, stating, “I'm right here . . . pick me up, in front of Platinum.”

59. CERVANTES later asked CS-5 in Spanish, “Let’s see the dough, man. I have to count it.” CS-5 replied, “And where’s the shit [cocaine] at?” CERVANTES replied in Spanish, “It’s coming, man. How much is it?” CS-5 replied, “Sixty-three.” CERVANTES then complained that it was “short [money was missing].” CERVANTES can then be heard counting on the recording, and the sound of rustling paper, consistent with the shuffling of money, can be heard. After counting, CERVANTES stated again, “There’s 400 missing.” CS-5 explained that he/she then reached back into his/her pocket, discovered that he/she had an additional \$400 in his/her pocket, and gave the money to CERVANTES. CS-5 can then be heard on the recording stating, “Sixty-three, right?” CERVANTES replies, “Yeah.”

60. Around the same time, surveillance observed CERVANTES parking the black van in the 4800 block of South Archer Avenue. Surveillance then observed CERVANTES and CS-5 walk across South Archer Avenue, where CS-5 and CERVANTES got into the same white Buick described above in paragraphs 17, 26, and 49, which was parked on the other side of Archer Avenue.

61. CS-5 advises that, when he/she got into the white Buick, there was an Hispanic male in the driver's seat. CS-5 advises, and the recording confirms, that CERVANTES referred to this individual as "Danny." Moreover, as described below, law enforcement has listened to the recording of this person's voice from this meeting and compared it to PULIDO's voice during an in-person interview on July 23, 2013, and confirmed that it is the voice of PULIDO. After getting into the white Buick, CERVANTES asked, "You got 'em [the cocaine]?" PULIDO responded, "Yeah, it's in the secret compartment." According to CS-5, CERVANTES then retrieved a plastic bag containing cocaine from a lower console on the floor of the white Buick, and handed the bag to CS-5. According to CS-5, CERVANTES later provided CS-5 with a brown cloth bag in which to carry the cocaine.

62. CS-5 later returned from the meeting with PULIDO and CERVANTES, and provided law enforcement with a brown cloth bag. Inside the bag was a plastic bag containing suspected cocaine. Law enforcement searched CS-5 for the presence of additional contraband and money and found none. The plastic bag containing the suspected cocaine was sent to the DEA for analysis, where it tested positive for cocaine hydrochloride weighing approximately 167.6 grams.

63. On July 23, 2013, law enforcement conducting surveillance on South Archer Avenue observed CERVANTES driving a blue Dodge Caravan. Law enforcement was aware, based on a prior records check, that CERVANTES has a revoked driver's license. Law enforcement then conducted a traffic stop of the vehicle. While the vehicle was stopped, law enforcement interviewed the occupants of the vehicle, which included DANNY PULIDO. During the interview, PULIDO admitted to officers that he is CERVANTES's brother. Moreover, law enforcement agents compared PULIDO's voice from the in-person interview to a sampling of calls over (708) 300-4756, and to the voice of the driver of the white Buick during the recorded meeting on April 26, 2013. Law enforcement found that all of these voices were the voice of PULIDO.

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