

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CHANTELL TONEY,
also known as "Tanka";

CASE NUMBER: 23 CR 424

~~UNDER SEAL~~

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about April 6, 2023, at Chicago, in the Northern District of Illinois, Eastern Division,
defendant TONEY violated:*Code Section*Title 21, United States Code, Section
841(a)*Offense Description*did knowingly and intentionally distribute and
possess with intent to distribute a controlled
substance, namely, a mixture and substance
containing a detectable amount of cocaine base, a
Schedule II Controlled Substance

This criminal complaint is based upon these facts:

X Continued on the attached sheet.DAVID J. JACKSON
Special Agent, Federal Bureau of Investigation
(FBI)

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: July 27, 2023
Judge's signatureCity and state: Chicago, Illinois

YOUNG B. KIM, Chief U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT
(Table of Contents)

I.	INTRODUCTION AND AFFIANT BACKGROUND.....	1
I.	BACKGROUND INFORMATION REGARDING DRUG-TRAFFICKING OFFENSES.....	4
II.	SUMMARY OF PROBABLE CAUSE.....	6
III.	STATEMENT OF PROBABLE CAUSE.....	8
	A. August 25, 2022, Controlled Purchase of Crack Cocaine from Individual A and TONEY.....	8
	B. February 14, 2023, Controlled Purchase of Crack Cocaine from TONEY	12
	C. March 1, 2023, Controlled Purchase of Crack Cocaine from TONEY	16
	D. April 6, 2023, Controlled Purchase of Crack Cocaine from TONEY (Charged Transaction).....	21
	E. May 9, 2023, Controlled Purchase of Crack Cocaine from TONEY	27
	F. June 15, 2023, Controlled Purchase of Crack Cocaine from TONEY	311
	G. July 10, 2023, Controlled Purchase of Crack Cocaine from TONEY	34
II.	SPECIFICS REGARDING SEARCHES OF ELECTRONIC STORAGE MEDIA	36
III.	PROCEDURES TO BE FOLLOWED IN SEARCHING ELECTRONIC STORAGE MEDIA AND AUTHORIZATION REQUEST	38
IV.	BIOMETRIC ACCESS TO SUBJECT PHONES	40
V.	CONCLUSION	433

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, DAVID J. JACKSON, being duly sworn, state as follows:

I. INTRODUCTION AND AFFIANT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since approximately December 2021. I am currently assigned to the FBI Chicago Field Division.

2. My responsibilities as an FBI Special Agent include the investigation of violent crimes, criminal enterprises, violations relating to the illegal sale and transfer of drugs and firearms, and violent criminal acts in furtherance of criminal enterprises. In addition, my official FBI duties include the investigation of drug-trafficking organizations and violations of federal drugs and money laundering laws, including offenses defined by 21 U.S.C. §§ 841, 843, and 846, and 18 U.S.C. § 1956. I have received specialized training in the means and methods by which individuals and drug-trafficking organizations conduct their illegal drug-trafficking activities, as well as in the use of various investigative techniques used to uncover unlawful drug trafficking. Based upon my experience and training, I am familiar with the ways in which drug traffickers conduct their unlawful drug-trafficking activity, including, but not limited to, their use of verbal and written code to conduct their transactions, their methods for concealing drugs and drug proceeds, and their use of violence and threats

of violence to protect their organization. Further, I have participated in a prior investigation involving Title III court-authorized wiretaps.

3. Through these investigations, my training and experience, and conversations with other law enforcement officers (“LEOs”), I have become familiar with the methods used by drug traffickers to distribute, transport, store, and import controlled substances. I also have become familiar with the methods used by drug traffickers to safeguard and distribute drugs and to collect and launder drug proceeds. For example, I am familiar with their use of prepaid cellular and cellular phones, landline phones, public phones, debit calling cards, counter-surveillance, the use of false and/or fictitious identities, and the use of coded language during conversations when referring to drugs in an attempt to disguise the true meaning of the conversation. I also know that consensually monitored telephone calls, as well as court-authorized intercepts, often provide valuable evidence of conspiracy pertaining to the drugs trafficking activities.

4. I am personally involved in the investigation of the offenses discussed below and am familiar with the investigative methods described herein. The statements contained in this Affidavit are based on my knowledge and, in part, information provided by LEOs, including: (a) oral and written reports that I have received directly or indirectly from other LEOs; (b) results of physical surveillance conducted by myself and/or other LEOs, which have been reported to me either directly or indirectly; (c) information provided by confidential sources working for the FBI; (d) information derived from consensually recorded telephone conversations and

meetings; (e) review of driver's license, state identification, and automobile-registration records; (f) records obtained from law-enforcement databases; (g) review of information obtained through open sources; (h) my training and experience as an FBI Special Agent; and (i) the training and experience of other LEOs involved in this investigation.

5. This affidavit is submitted in support of:

a. A criminal complaint alleging that Chantell Toney, also known as "Tanka" ("TONEY"), did knowingly and intentionally distribute cocaine on or about April 6, 2023, in violation of Title 21, United States Code, Section 841(a)(1); and

b. Warrants to search the following locations and items for evidence, instrumentalities, fruits, and contraband, described further in Attachment B-1, and evidence and instrumentalities, described further in Attachment B-2, concerning federal drug-trafficking offenses, in violation of Title 21, United States Code, Sections 841 and 846 (the "**Subject Offenses**");

i. the residential apartment located at 1657 East 67th Street, Apartment 3L, Chicago, Illinois 60649 (the "**Subject Premises**"), further described in Attachment A-1; and

ii. any cellular devices reasonably believed to be used by TONEY, including any telephone with call number 773-XXX-5839 ("**Subject Phone 1**"), further described in A-2 (collectively, the "**Subject Phones**").

6. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging TONEY with

the **Subject Offenses**, and for securing a search warrant, as specified above, 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: (1) TONEY committed the offenses alleged against her in the complaint; (2) that evidence, instrumentalities, fruits, and contraband of the **Subject Offenses** are located at the **Subject Premises**; and (3) that evidence and instrumentalities of the **Subject Offenses** are located within the **Subject Phones**.

I. BACKGROUND INFORMATION REGARDING DRUG-TRAFFICKING OFFENSES

7. Through training, experience, and discussions with other experienced agents, I know that:

a. Drug traffickers commonly maintain books, papers, files, and other records which reflect the names, addresses and/or telephone numbers of their suppliers, couriers, customers, and other associates in the illegal drug trade.

b. Drug traffickers maintain books, records, receipts, notes, ledgers, airline tickets, money orders, and other files relating to the purchase, packaging, sale, distribution, and transportation of their product.

c. Drug traffickers conceal in their residences and/or places of business the proceeds of their illegal activity, including large amounts of United States currency, financial instruments, precious metals, jewelry, rare coins, works of art, and other items of value, as well as books and records regarding the acquisition, use, and disposition of such items of value.

d. When drug traffickers amass large proceeds from the sale of controlled substances, they attempt to legitimize these profits, often accomplishing this goal by using the services of banks, other financial institutions, and real estate brokers; and maintain books and papers related to such efforts.

e. It is common for drug traffickers to maintain the aforementioned books, papers, and documents in secure places within their residences and/or places of business so that the drug traffickers have ready access to such information.

f. Drug traffickers frequently take, or cause to be taken, photographs of themselves, their associates in the drug trade, property acquired from the distribution of drugs, and their product, and such photographs are often kept in their residences and/or places of business. Drug traffickers often place assets, including real and personal property, such as vehicles, in names other than their own to avoid the detection and forfeiture of such assets by government agencies; and that the drug traffickers continue to use these assets and to exercise dominion and control over them even though the assets are nominally owned by others. It is common practice for drug traffickers to conceal in their residences and/or places of business secure places to store the contraband including but not limited to safes and that once a sizeable load of contraband has been delivered, to repackage and break-down larger quantities of illegal drugs into smaller more easily handled and concealed quantities for distribution; and that paraphernalia related to the packaging, cutting, weighing and distribution of contraband is usually secreted or stored in their residences and/or places of business.

g. Drug traffickers frequently possess firearms and ammunition to protect their illegal product.

h. Drug traffickers frequently keep the aforementioned evidence set forth in their residences because, for example, drug traffickers keep detailed records of their activities close at hand as they receive calls from other members of the organization at all hours of the day and night, and need access to those materials. Additionally, although some drug traffickers prefer to store contraband outside of their known places of residence, in my training and experience, they do not have the same concerns when it comes to items set forth in above because said items are not illegal to possess.

8. In addition, during the course of such residential searches, I and other agents have also found items of personal property that tend to identify the person(s) in residence, occupancy, control, or ownership of the **Subject Premises**. Such identification evidence is typical of the articles people commonly maintain in their residences, such as canceled mail, deeds, leases, rental agreements, photographs, personal telephone books, diaries, utility and telephone bills, statements, identification documents, and keys.

II. SUMMARY OF PROBABLE CAUSE

9. The FBI is conducting a criminal investigation of TONEY and others known and unknown regarding the **Subject Offenses**. During the government's

investigation, a confidential informant (“CI-5”)¹ identified TONEY as a person whom CI-5 knew to sell illegal drugs, including crack cocaine. CI-5 then engaged in several consensually recorded conversations² and controlled purchases of crack cocaine from TONEY, on or about August 25, 2022, February 14, 2023, March 1, 2023, April 6, 2023, May 9, 2023, June 15, 2023, and July 10, 2023. Further, as detailed below, each of CI-5’s drug transactions with TONEY occurred inside, or in the proximity of, the **Subject Premises**.

¹ CI-5 has worked with the FBI since in or around January 2022. To date, has CI-5 received cash payments from the FBI totaling approximately \$10,350. According to his/her criminal history records, CI-5 has approximately five drug convictions and five weapon convictions. Since cooperating with the FBI, CI-5 has been working exclusively as a paid informant and is not currently cooperating in exchange for potential sentencing credit or other consideration in a pending criminal case. According to CI-5, before s/he began cooperating with FBI in or around January 2022, CI-5 had purchased drugs from TONEY in the past, including crack cocaine. Based on one of CI-5’s prior drug transactions with TONEY, which pre-dated his/her cooperation with the FBI, s/he had a debt of approximately \$700 dollars owed to TONEY. As further detailed below, CI-5 repaid that debt to TONEY on or about August 25, 2022, using funds that had been supplied by the FBI, while negotiating a controlled purchase of drugs at the direction of FBI agents. Regarding this exchange, which is detailed below, FBI agents had authorized (prior to August 25, 2022) CI-5’s use of government funds to repay his/her pre-existing drug debt to TONEY, in order to maintain and preserve CI-5’s access to TONEY as a source of illegal drugs.

Wherever possible, the information in this Affidavit that relies upon CI-5’s past cooperation has been corroborated by independent sources, including consensually recorded calls or text messages, audio-video recordings of controlled drug purchases, agents’ surveillance, and the successful purchase of drugs, as detailed herein.

² Some of the consensually recorded conversations are summarized in this Affidavit. The language that is quoted from the recorded conversations throughout this Affidavit is based upon a preliminary review of the recorded conversations, not final transcripts. These summaries do not include all statements or topics covered during the course of the recorded conversations. At various points in the Affidavit, I have indicated (sometimes in brackets) my interpretation of words and phrases used in the recorded conversations. My interpretations are based on information received from CI-5, and other sources, the contents and context of the recorded conversations, events that took place 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.

10. Additionally, the investigation has revealed that TONEY utilizes the **Subject Premises** as her primary place of residence. As detailed below, there is probable cause that evidence, instrumentalities, fruits, and contraband of the **Subject Offenses** will be located at the **Subject Premises**.

III. STATEMENT OF PROBABLE CAUSE

A. August 25, 2022, Controlled Purchase of Crack Cocaine from Individual A and TONEY

11. On or about August 25, 2022, at approximately 2:18 p.m., CI-5 met with FBI agents at a predetermined location, where agents searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items. Agents equipped CI-5 with a concealed audio recording device that was also a transmitter, and provided CI-5 approximately \$3,000 in cash, in preparation for a potential controlled drug purchase between CI-5 and TONEY. While in agents' presence and at agents' direction, CI-5 placed a recorded call to TONEY, who was using telephone number 773-XXX-5839 (*i.e.*, **Subject Phone 1**).³ The call to TONEY went unanswered.

³ Law enforcement identified TONEY as the user of 773-XXX-5839 (*i.e.*, **Subject Phone 1**) in this Affidavit based on the following: First, according to CI-5, TONEY previously provided **Subject Phone 1** to CI-5 and stated that was the phone number that CI-5 should use to contact TONEY. Second, based on CI-5's prior in-person interactions with TONEY that predated his/her cooperation with FBI agents, CI-5 identified the voice of the person using **Subject Phone 1** on the calls referenced in this Affidavit as belonging to TONEY. Third, following telephone calls with the user of **Subject Phone 1** to set up meetings, the person who arrived at the meetings, which were audio and video recorded by CI-5, was TONEY. Finally, based on the review of CI-5's audio and video recordings of in-person meetings with TONEY, which are further detailed herein, law enforcement was independently able to identify the voice of the person using **Subject Phone 1** on the calls referenced in this Affidavit as belonging to TONEY.

12. While under surveillance by law enforcement, CI-5 walked to TONEY's apartment (the **Subject Premises**), which is located on the third floor of an apartment building at 1657 E 67th Street. As captured by CI-5's audio recording, CI-5 knocked on TONEY's door. According to captured audio, TONEY answered the door,⁴ and greeted CI-5.⁵ As captured by the CI-5's audio recording, CI-5 said, "this is the 7 I owe you." According to CI-5, CI-5 (as s/he explained in a later debrief with agents) then handed TONEY approximately \$700 in cash. According to the audio recording, CI-5 asked TONEY for a "sixty-three." According to the audio recording, TONEY stated that she had another customer to serve, after a cable employee who TONEY said was scheduled to work at the **Subject Premises** left. According to the audio recording, CI-5 then departed the **Subject Premises**.

⁴ At the time of this controlled buy, CI-5 was only using an audio recording system. As a result, law enforcement could not visually capture the actual location that CI-5 reported to on this date. However, law enforcement has confirmed that 1657 East 67 Street, Apartment, 3L (*i.e.*, the **Subject Premises**) is the location of the controlled buys between CI-5 and TONEY. First, during the course of the investigation, CI-5 has debriefed with law enforcement and advised that the **Subject Premises** is TONEY's address. Additionally, in or around July 2023, surveilling officers have been inside the location containing the **Subject Premises** and observed a mailbox listing TONEY's name as the resident associated with 1657 East 67 Street, Apartment 3L. Also, while inside the building containing the **Subject Premises**, law enforcement has examined the door of the residence that should be Apartment 3L and observed that there is no "3L" marker affixed to the door. Based on a visual comparison of that door, and the door CI-5 is observed entering on video in other controlled buys, law enforcement has determined that this residence is, in fact, the **Subject Premises**. The **Subject Premises** door is different from some of the other apartment doors because the doors visible in recordings have identifying numbers affixed to them (*i.e.* apartment 3K which has been observed by law enforcement has the identifying label "3K" affixed to the door). The door was also confirmed by analyzing the hallway and the direction that CI-5 takes, as visible on video, to enter the **Subject Premises**.

⁵ Based on my comparison of the voices on this audio recording and other recordings of CI-5's known in-person interactions with TONEY (as established by surveillance and other means discussed herein), I believe that TONEY is the other speaker during this controlled buy with CI-5 on or about August 25, 2022.

i. Based on my training, experience, and knowledge of this investigation and information provided by CI-5, I believe that when CI-5 said, “This is the 7 I owe you” and handed TONEY approximately \$700, CI-5 was stating the s/he owed TONEY approximately \$700 for a previous drug debt (which, as noted in footnote 1, was incurred before CI-5 began working with FBI in this investigation). When CI-5 asked for a “sixty-three,” I believe that CI-5 was ordering approximately 63 grams of crack cocaine from TONEY. Further, I believe that when TONEY stated that she had another customer to serve after the cable employee left, TONEY was telling CI-5 that she did not have enough crack cocaine to sell CI-5 at that time because of prior sales commitment that TONEY had made to another customer, and that CI-5 should return later.

13. Soon thereafter, CI-5 met with FBI agents at a predetermined location, where CI-5 relinquished the approximately \$2,300 in unused buy money and agents again searched CI-5 for narcotics, contraband, firearms, or bundles of cash, find no such items.

14. On or about August 25, 2022, at approximately 4:00 p.m., CI-5 met with FBI agents at a predetermined location, where agents searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items. Agents equipped CI-5 with concealed audio-video recording devices and a transmitter, and provided CI-5 with approximately \$2,300 in cash, in preparation for a potential controlled drug purchase between CI-5 and TONEY.

15. CI-5 departed on foot, under law enforcement surveillance, to TONEY's apartment (*i.e.*, the **Subject Premises**). As observed by surveilling officers, while on the way, CI-5 was met by Individual A, who was identified by law enforcement based on prior surveillance as an associate of TONEY. During their interaction, and as captured by CI-5's audio recording, Individual A instructed CI-5 to go buy items from a nearby store and to walk around the neighborhood, while Individual A searched the neighborhood for the presence of law enforcement. A few minutes later, as observed by surveilling officers, CI-5 then returned to an apartment, accompanied by Individual A.⁶ At that location, as captured on CI-5's audio recording, CI-5 provided Individual A approximately \$2,300 in exchange for the aforementioned crack cocaine. CI-5 explained to law enforcement (during a later debrief) that CI-5 believed the crack cocaine was given to Individual A by TONEY, because Individual A indicated that she would deliver the money for the drug deal to TONEY. After receiving the drugs from Individual A, CI-5 departed the apartment building, as observed by surveilling officers.

16. After purchasing the drugs, CI-5 met with FBI agents at a predetermined location, where agents again searched CI-5 and confirmed that CI-5 had no narcotics, contraband, firearms, or excess money, except for the white rocklike substance resembling crack cocaine, which CI-5 purchased from Individual A on behalf of TONEY. CI-5 then provided the suspected crack cocaine to FBI agents who

⁶ Law enforcement has identified this apartment building as one located on the 1700 block of East 67th Street. However, law enforcement has not confirmed at this time that this location is, in fact, Individual A's residence.

determined it had a field weight of approximately 64.6 grams. Unless otherwise noted, CI-5's movements from his/her departure from the predetermined location preceding the controlled purchase, until his/her return to the predetermined location, where agents took custody of the drugs that CI-5 obtained from Individual A on behalf TONEY, were documented by surveilling officers and/or by CI-5's audio-video recording. Later, agents submitted the suspected crack cocaine to the Drug Enforcement Administration's Northwest Laboratory (the "DEA Lab") for analysis. According to the lab results, the white rocklike substance—which the DEA Lab determined had a net weight of approximately 55.1 grams—tested positive for the presence of cocaine base (*i.e.*, crack cocaine).

B. February 14, 2023, Controlled Purchase of Crack Cocaine from TONEY

17. On or about February 14, 2023, at approximately 12:45 p.m., CI-5 met with FBI agents at a predetermined location, where agents searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items. Agents equipped CI-5 with concealed audio-video recording devices and a transmitter, and provided CI-5 approximately \$2,100 in cash, in preparation for a potential controlled drug purchase between CI-5 and TONEY.

18. While in agents' presence and at agents' direction, CI-5 placed a recorded call to TONEY—who was using **Subject Phone 1**—to arrange for the purchase of approximately \$2,100 of crack cocaine. The initial call and two more subsequent calls went unanswered. According to agents, who were present with CI-5 and observed the text messages on his/her phone, TONEY, who was using **Subject**

Phone 1, then texted CI-5, via iMessage, “On phone what’s up” and “3min.” CI-5 replied, “With cuz getting \$ now” and “U at home.” TONEY responded, “Yup.”

i. Based on my training and experience, knowledge of this investigation, I believe that when TONEY said, “On phone what’s up” and “3mins,” she was indicating to CI-5 that she was currently on the phone and would be off an ongoing call in approximately three minutes. Further, I believe that CI-5’s responses, “With cuz getting \$ now” and “U at home” were meant to communicate to TONEY that CI-5 was acquiring money to purchase the crack cocaine and to confirm that TONEY was in her apartment.

19. At approximately 1:05 p.m., CI-5 received a return call from TONEY, who was using **Subject Phone 1**, which was captured by CI-5’s recording. CI-5 answered and stated, “Yeah with cuz now on my way to you.” TONEY responded “Okay, don’t bring him up here.” CI-5 stated to TONEY, “Come on now, cuz ain’t fitting to go nowhere near there, Cuz down here by me I got you.”

i. Based on my training and experience, knowledge of this investigation, and information provided by CI-5, I believe that when CI-5 said, “Yeah with cuz now on my way you” and “Come on now, cuz ain’t fitting to go nowhere near there, Cuz down here by me I got you,” s/he meant to communicate that CI-5 was currently with his/her cousin on whose behalf s/he was purchasing the crack cocaine, and that CI-5 was not going to bring anyone that TONEY did not know to the deal. Further, I believe that when TONEY said, “Okay, don’t bring him up here,” TONEY

was communicating to CI-5 that she did not want anyone new to come to her residence whom she did not trust.

20. Based on my training and experience, knowledge of this investigation, my conversations with other LEOs who provided surveillance during this controlled purchase, a debrief of CI-5, and my review of the footage captured by CI-5's audio-video recording device, I know the following about CI-5's controlled purchase on or about February 14, 2023:

a. CI-5, as captured by his/her recording and observed by surveilling officers, entered the apartment building at 1657 East 67th Street. According to my review of CI-5's phone after the deal, CI-5 sent TONEY an iMessage that said, "Front door." Soon thereafter, according to CI-5's audio-video recording, CI-5 entered the complex, walked upstairs, and knocked on a door, believed to be TONEY's apartment (*i.e.*, the **Subject Premises**). As captured by CI-5's audio recording, CI-5 was greeted by TONEY.⁷ According to CI-5 during a later debrief, TONEY was alone in the apartment and was on the phone. Upon arrival into the **Subject Premises**, according to CI-5, s/he observed suspected crack cocaine on the living room table drying on a napkin. According to CI-5, CI-5 also observed stacks of money in various denominations on the living room table. As captured by his/her video recording, CI-5 and TONEY spoke briefly about "people owing" TONEY money. Once the suspected

⁷ There was no video capturing TONEY answering the door. However, based on my comparison of the voices on this audio recording and other audio and video recordings of CI-5's known interactions with TONEY (as established by surveillance and other means discussed herein), I believe that TONEY is the other speaker during this controlled buy with CI-5 on February 14, 2023.

crack cocaine was dry, CI-5 observed (as s/he explained to agents in a later debrief) TONEY weighing and bagging up the drugs. CI-5 (as also explained in the debrief) was handed the suspected drugs by TONEY and CI-5 handed TONEY approximately \$2,100, which was counted by TONEY as TONEY walked CI-5 out of the **Subject Premises**.⁸ According to CI-5's audio-video recording, CI-5 did not interact with any other individuals between the time s/he left the **Subject Premises** and returned to meet FBI agents.

b. After purchasing the drugs from TONEY, CI-5 met with FBI agents at a predetermined location, where agents again searched CI-5 for narcotics, contraband, firearms, or excess money. FBI agents found no such items, except for a clear plastic bag containing an off-white rocklike substance that resembled crack cocaine, which CI-5 purchased from TONEY. CI-5 provided the suspected crack cocaine to FBI agents who determined that it field-tested positive for cocaine and had a field weight of 64.4 grams. Unless otherwise noted, CI-5's movements from his/her departure from the predetermined location preceding the controlled purchase, until his/her return to the predetermined location, where agents took custody of the drugs that CI-5 obtained from TONEY, were documented by surveilling officers and/or by CI-5's audio-video recording. Later, agents submitted the suspected crack cocaine to the DEA Lab for analysis. According to the lab results, the white rocklike substance

⁸ Based on my review of CI-5's video recording, CI-5 is observed interacting with TONEY during this controlled buy. However, due to the camera angle, the video does not capture the precise moments when TONEY was observed weighing and bagging up the drugs, TONEY handed CI-5 the drugs, nor when CI-5 handed the money to TONEY.

weighed approximately 61.2 grams and was positive for the presence of cocaine base (*i.e.*, crack cocaine).

C. March 1, 2023, Controlled Purchase of Crack Cocaine from TONEY

21. On or about March 1, 2023, at approximately 2:10 p.m., CI-5 met with FBI agents at a predetermined location, where agents searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items. Agents equipped CI-5 with concealed audio-video recording devices and a transmitter, and provided CI-5 with approximately \$4,200 in cash, in preparation for a controlled drug purchase between CI-5 and TONEY.⁹

22. While in agents' presence and at agents' direction, CI-5 placed a recorded call to TONEY—who was using **Subject Phone 1**—to arrange for the purchase of approximately \$4,200 of crack cocaine. During the recorded call to TONEY, CI-5 stated, “Yeah I’m right here getting that from cuz, on my way, like 2 minutes.” TONEY responded, “No I’m not there yet so you going to have to give me 15 minutes, that’s what I was telling you, you going to have to give me 15-20 minute.”

i. Based on my training and experience, knowledge of this investigation, I believe that when TONEY said, “No I’m not there yet so you going to have to give me 15 minutes, that’s what I was telling you, you going to have to give

⁹ During surveillance for this controlled purchase, surveilling officers observed TONEY leaving her apartment complex. Based on a review of her driver’s license photograph, which was available to surveilling officers who were present, they confirmed that it was in fact TONEY. Based upon my review of TONEY’s driver’s license photo, I believe it is the same person that CI-5 has met with in the recorded controlled buys.

me 15-20 minute,” TONEY was communicating that she was not ready for CI-5 to come to her apartment yet to purchase crack cocaine and was going to have to wait approximately 15 to 20 minutes.

23. Based on my training and experience, knowledge of this investigation, my own surveillance, my conversations with other LEOs who provided surveillance during this controlled purchase, my debrief of CI-5, and my review of the footage captured by CI-5’s audio-video recording device, I know the following about the CI-5’s controlled purchase on or about March 1, 2023:

a. According to my review of CI-5’s cell phone, at approximately 2:44 p.m., CI-5 texted TONEY at **Subject Phone 1**, asking, “Are we gonna be ready B4 I gotta get the kids out of school @ 3:30.” TONEY responded, “Yes.” Shortly after, CI-5 texted TONEY, “Wat we looking like.” TONEY responded, “About to but [sic] it together now.”

i. Based on my training and experience, knowledge of this investigation, I believe that when TONEY said, “About to but [sic] it together now,” TONEY was communicating that she was preparing a quantity of suspected crack cocaine for sale to CI-5.

b. At approximately 3:41 p.m., TONEY contacted CI-5 and called out a surveillance vehicle parked on 67th Street.¹⁰ At approximately 4:01 p.m., as captured in an audio recording on CI-5’s recording device, CI-5 placed a telephone

¹⁰ This call between TONEY and CI-5 was not recorded because the system used for recording CI-5’s calls capture outgoing calls only, not incoming calls. Accordingly, TONEY’s incoming call to CI-5’s phone was not recorded.

call to TONEY,¹¹ and stated “Yeah his a*s is paranoid what we looking like?” TONEY responded, “Yeah we good, you can come up here in 5 minutes. I seen a head move.” CI-5 asked, “Oh somebody was in there?” TONEY answered, “Yeah someone was in there, they sitting in the car. We seen the head move.” CI-5 stated, “Man leaving at 12 be there at 2,” to which TONEY interrupted and stated, “That’s why I asked you certain times because I had to put the sh*t together.” CI-5 stated, “Right that’s why I had called you at 12 when he said he hit the city be there at 2.” TONEY stated, “Yeah well you know just cuz he say he be there at 2, n*gga I can’t be on point just cuz you say.” CI-5 stated, “Facts, I was just going to tell his a*s to come back in the morning.” TONEY responded, “No, no no no. Y’all cool, Y’all cool.” CI-5 stated, “I already told you G, my background is fu*ked up. He got this draco and a switch and I ain’t with none of that.” TONEY stated, “You can be here in 5 minutes.”

i. Based on my training and experience, knowledge of this investigation, and information provided by CI-5, I believe that in the above conversation, TONEY was expressing her concern that law enforcement was present in the area. Further, I believe that when TONEY said, “That’s why I asked you certain times because I had to put the sh*t together,” TONEY was communicating that she needed exact times CI-5 was coming in order to have the crack cocaine packaged and ready for purchase, to minimize any risk of being observed or interdicted by law enforcement.

¹¹ This call from CI-5 was not separately recorded by CI-5’s phone due to the fact CI-5 did not use the recorded system that was provided for the phone.

c. As captured by his/her recording, CI-5 walked to TONEY's apartment building containing the **Subject Premises**. While CI-5 was walking, at approximately 4:03 p.m., TONEY, who was using **Subject Phone 1**, texted CI-5. Based upon my review of CI-5's text messages, TONEY stated, "Make it 10mins." CI-5 responded, "Ok just pulled up downstairs" and "Just let me know wen to come up." CI-5 then called TONEY at **Subject Phone 1**. As captured on his/her recording, during this call, TONEY instructed CI-5 to walk around the block two times while remaining on the phone. As captured by his/her recording , CI-5 then entered the apartment building containing the **Subject Premises** at 1657 East 67th Street. Further, as captured on his/her video recording, CI-5 went to TONEY's apartment (*i.e.*, the **Subject Premises**) and was let into the residence by TONEY.

d. According to the video recording, CI-5 sat down on a couch in the **Subject Premises** in close proximity to TONEY, where the two talked about counter-surveillance. During the conversation, TONEY stated, "That's why I slowed you down."

i. Based on my training and experience, and the training and experience of other LEOs involved in this investigation, I know that suspected drug dealers employ counter-surveillance measures to ensure that either they or a potential purchaser is not being followed or surveilled during a drug transaction. Additionally, based on my training and experience, knowledge of this investigation, and information provided by CI-5, I believe that when TONEY said, "That's why I slowed you down," she was telling CI-5 to slow down so that TONEY or her associates

could check the area and determine if anyone was following CI-5. Furthermore, based on my training and experience, and knowledge of this investigation, I believe that TONEY is very surveillance-cautious and is aware of vehicles that should or should not be parked in the area of the **Subject Premises**.

e. While sitting at a table located inside of the **Subject Premises**, according to CI-5, s/he observed bags for packaging and a scale on the living room table. As captured on his/her video recording, CI-5 counted the money in front of TONEY and placed it on the table. Concurrently, as captured on CI-5's video recording, TONEY weighed and bagged the cocaine being purchased and provided it to CI-5.

f. After purchasing the drugs, CI-5 then exited the **Subject Premises** and met with FBI agents at a predetermined location. According to CI-5's audio-video recording, CI-5 did not interact with any other individuals between the time s/he left the **Subject Premises** and returned to meet FBI agents. There, agents again searched CI-5 for narcotics, contraband, firearms, or excess money. Agents found no such items, except for a clear plastic bag containing a white rocklike substance that resembled crack cocaine, which CI-5 purchased from TONEY. CI-5 provided the suspected crack cocaine to FBI agents who determined that it had a field weight of approximately 125.5 grams. Unless otherwise noted, CI-5's movements from his/her departure from the predetermined location preceding the controlled purchase, until his/her return to the predetermined location, where agents took custody of the drugs that CI-5 obtained from TONEY, were documented by surveilling

officers and/or by CI-5's audio-video recording. Later, agents submitted the suspected crack cocaine to the DEA Lab for analysis. According to the lab results, the net weight was approximately 123.8 grams and the white rocklike substance tested positive for the presence of cocaine base (*i.e.*, crack cocaine).

D. April 6, 2023, Controlled Purchase of Crack Cocaine from TONEY (Charged Transaction)

24. On or about April 6, 2023, at approximately 1:30 p.m., CI-5 met with FBI agents at a predetermined location, where agents searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items. Agents equipped CI-5 with concealed audio-video recording devices and a transmitter, and provided CI-5 approximately \$4,200 in cash, in preparation for a controlled drug purchase between CI-5 and TONEY.

25. While in agents' presence and at agents' direction, CI-5 placed a recorded call to TONEY—who was using **Subject Phone 1**—to arrange for the purchase of crack cocaine. As captured by his/her recording, CI-5 told TONEY “I’m getting the bread [*i.e.*, money] now,” and TONEY said “Alright.” CI-5 then called TONEY back and confirmed that she (TONEY) said “Alright” as her (TONEY’s) voice was muffled.

26. Based on my training and experience, knowledge of this investigation, my own surveillance, with other LEOs who provided surveillance during this controlled purchase, my debrief of CI-5, and my review of the footage captured by CI-5's audio-video recording device, I know the following about the CI-5's controlled purchase on or about April 6, 2022:

a. As captured by his/her recording, CI-5 exited his/her vehicle and entered TONEY's apartment complex at 1657 East 67th Street. As captured by his/her recording, once inside the building, CI-5 went to TONEY's apartment (*i.e.*, the **Subject Premises**), knocked on the door, and was greeted by TONEY (whom law enforcement has positively identified as stated above, as well as by comparing TONEY's driver's license photograph against the screenshot below) as depicted in the following picture:



b. As captured on the recording, TONEY then stated to CI-5, "I'm fitting to get my cousin to walk it down." TONEY stated she needed 5-10 minutes and requested CI-5 go wait in the "the crib" or at Individual A's house. TONEY also stated she had been watching the street looking for suspicious vehicles.

i. Based on my training and experience and knowledge of this investigation, I believe that when TONEY said 5-10 minutes and requested that CI-5 wait in another location, TONEY was preparing the drugs for sale to CI-5, and did not want CI-5 to wait. I further believe that when TONEY said she had been watching

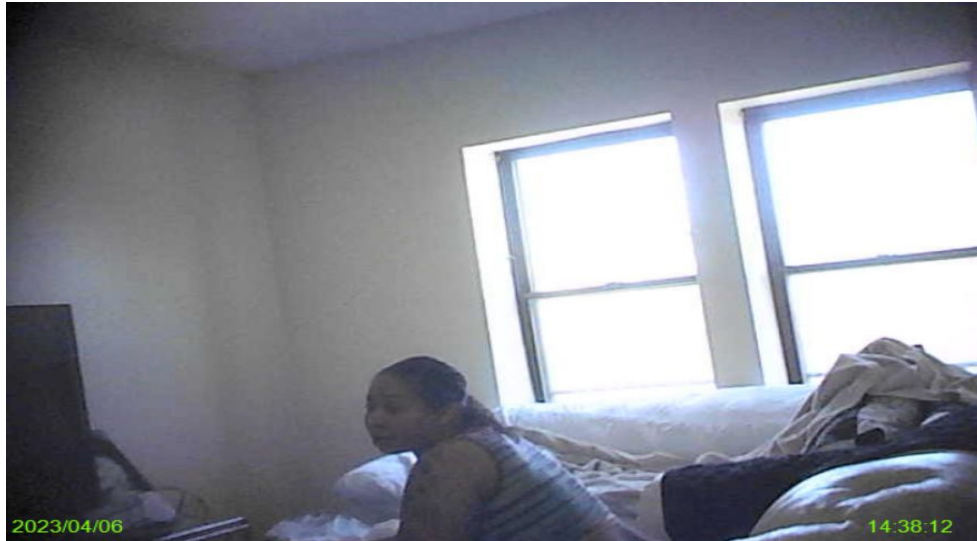
the street looking for suspicious vehicles, TONEY indicated that she was conducting counter-surveillance measures, looking for law enforcement.

c. As captured on his/her recording, CI-5 exited the building containing the **Subject Premises** and went to an adjoining apartment building.¹² There, CI-5 entered an apartment where Individual A was located (*i.e.*, the same apartment where CI-5 obtained drugs from Individual A on behalf of TONEY on or about August 25, 2022, as detailed in Section III(A), above) and waited for TONEY.

d. At approximately 2:30 p.m., as captured by his/her recording, CI-5 exited the building located on the 1700 block of 67th Street and re-entered the apartment building located at 1657 East 67th Street. Once at that location, according to the video recording, CI-5 knocked on the door for the apartment (*i.e.*, the **Subject Premises**), where TONEY answered and let CI-5 inside.

e. As captured on CI-5's recording, TONEY sat down on a couch in front of a living room coffee table with suspected drugs, as depicted in the following screenshot:

¹² Law enforcement has determined that this is the same location that CI-5 met with Individual A at before on August 25, 2022, *i.e.*, apartment building located on the 1700 block of East 67th Street.



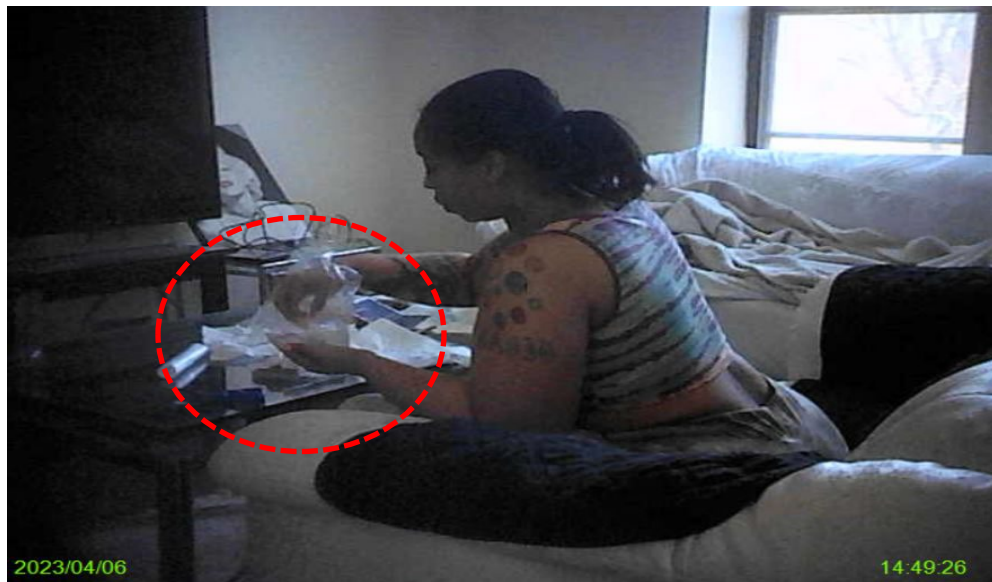
f. TONEY was then observed cutting, drying, and packaging suspected drugs on the living room coffee table, as captured on CI-5's recording and depicted in the following screenshot:



g. TONEY was then observed placing suspected drugs on a scale, as captured on CI-5's recording and depicted in the following screenshot:



h. TONEY was observed adding and removing suspected drugs from drug packaging on the living room coffee table to get the right amount for sale, as captured on CI-5's recording and depicted in the following screenshot:



i. As captured on his/her recording, CI-5 and TONEY had a conversation about selling drugs and how to double their products. As explained by

CI-5 in a later debrief, s/he put the money on the table and took a plastic bag containing suspected crack cocaine off the table and left the apartment.¹³

j. As captured by his/her recording, CI-5 exited the apartment building containing the **Subject Premises** and entered his/her vehicle at approximately 3:00 p.m. According to CI-5's audio-video recording, CI-5 did not interact with any other individuals between the time s/he left the **Subject Premises** and returned to meet FBI agents. CI-5 met with FBI agents at a predetermined location, where agents again searched CI-5 for narcotics, contraband, firearms, or excess money of cash, finding no such items, other than a clear plastic bag containing suspected crack cocaine that was purchased by CI-5 from TONEY.¹⁴ CI-5 provided the suspected crack cocaine to FBI agents who determined that it had a field weight of approximately 126 grams. Unless otherwise noted, CI-5's movements from his/her departure from the predetermined location preceding the controlled purchase, until his/her return to the predetermined location, where agents took custody of the drugs that CI-5 obtained from TONEY, were documented by surveilling officers and/or by

¹³ Based on my review of CI-5's video recording, CI-5 is observed moving toward the living room coffee table. However, due to the camera angle, the video does not capture the precise moment when CI-5 placed the money on the table and took possession of the drugs.

¹⁴ On this particular date, CI-5 operated his/her own vehicle to the area of TONEY's apartment building located at 1657 East 67th Street for the purpose of completing a controlled purchase at the direction of FBI agents. Though CI-5's person was searched by participating agents at a predetermined location prior to and after the controlled purchase, CI-5's vehicle was not searched either before or after the controlled purchase. However, based upon my review of the recordings on this date, CI-5's audio-video recording captures his/her movements, statements, and actions for the entire time inside the vehicle to and from the FBI.

CI-5's audio-video recording. Later, agents submitted the suspected crack cocaine to the DEA Lab for analysis. According to the lab results, the net weight was approximately 123.74 grams, and the white rocklike substance tested positive for the presence of cocaine base (*i.e.*, crack cocaine).

E. May 9, 2023, Controlled Purchase of Crack Cocaine from TONEY

27. On or about May 9, 2023, at approximately 12:15 p.m., CI-5 met with FBI agents at a predetermined location, where agents searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items. Agents equipped CI-5 with concealed audio-video recording devices and a transmitter, and provided CI-5 with approximately \$7,500 in cash, in preparation for a controlled drug purchase between CI-5 and TONEY.

28. While in the agents' presence, CI-5 showed his/her phone to those present, which displayed an iMessage that CI-5 sent to TONEY on or about May 7, 2023, at approximately 1:57 p.m. In the message, CI-5 stated, "I just talked back to 'em just to make sure he say he want the nine for sure he a be here Tuesday some time after 12 noon." On or about May 9, 2023, CI-5 sent an additional text message stating, "Bout to go DT (downtown) to cuz room n get the \$," and TONEY responded, "K."

i. Based on my training and experience, knowledge of this investigation, and information obtained from CI-5, I believe that when CI-5 said, "I just talked back to 'em just to make sure he say he want the nine for sure he a be here

Tuesday some time after 12 noon,” CI-5 was explaining to TONEY that s/he wanted to purchase approximately nine ounces of crack cocaine.

29. While in the presence of law enforcement, CI-5 texted TONEY stating, “I got the bread [*i.e.*, money] it’s right I’m n route to u now.” After receiving no response, while in agents’ presence and at agents’ direction, CI-5 placed a recorded call to TONEY—who was using **Subject Phone 1**. As captured by his/her recording , TONEY answered and CI-5 stated, “Yo, you get my text?” TONEY responded, “No.” CI-5 stated, “Damn I was about to say,” and TONEY responded, “Oh as soon as you called it dinged.” CI-5 then told TONEY, “Oh it just came through, alright bet I’m just making sure.”

30. Based on my training and experience, knowledge of this investigation, my own surveillance, my conversations with other LEOs who provided surveillance during this controlled purchase, my debrief of CI-5, and my review of the footage captured by CI-5’s audio-video recording device, I know the following about the CI-5’s controlled purchase on or about May 9, 2023:

a. As captured by his/her recording CI-5 parked his/her vehicle north of TONEY’s apartment building at 1657 East 67th Street. As captured on his/her recording, at approximately 12:42 p.m., CI-5 contacted TONEY via FaceTime¹⁵ so she could see CI-5 was coming from downtown Chicago. During the conversation, CI-5 stated, “I’m about to hit this gas station right here, you want

¹⁵ FaceTime is an application that allows users of Apple-brand cellular devices to engage in one-on-one video chatting over the internet.

anything? I got to go hit a motherfu*ker on Jeffery first.” CI-5 then exited his/her vehicle and entered TONEY’s apartment complex at 1657 East 67th Street. Once in the complex, CI-5 went to an apartment across the hall from TONEY’s apartment and used the restroom. According to the video recording, after exiting the apartment across the hall, CI-5 knocked on TONEY’s apartment door (*i.e.*, the **Subject Premises**). As captured on the audio-video recording, TONEY greeted CI-5 and let CI-5 into the residence. Once inside, as captured on the video recording, CI-5 handed TONEY approximately \$7,500, and TONEY sat on the couch to count it. After counting the cash, TONEY stated, “Oh, you wanted nine?,” CI-5 responded, “Yeah, that’s how I know you don’t be reading my texts that day, I doubled back to make sure and I texted and told you.”

i. Based on my training and experience, and knowledge of this investigation, I believe that when TONEY stated “oh, you wanted nine?” TONEY was asking CI-5 whether s/he wanted to purchase approximately nine ounces of crack cocaine. When CI-5 said “Yeah...,” CI-5 was confirming that nine ounces was the amount of crack cocaine s/he previously requested from TONEY.

b. As captured on the video recording, TONEY then gave CI-5 a clear plastic bag containing suspected crack cocaine and instructed CI-5 to wait in the apartment across the hall (apartment 3K) while she cooked up the other half. At approximately 1:17 p.m., CI-5 went into apartment 3K and sat near the doorway. Present at that location with CI-5 were at least two other individuals, who, according to CI-5, appeared to be under the influence of narcotics.

c. At approximately 1:17 p.m., as captured on the video recording, CI-5 knocked on the door of TONEY's apartment (*i.e.*, the **Subject Premises**) and was greeted by TONEY. TONEY, as also captured on CI-5's recording, handed CI-5 a clear plastic bag (which CI-5 later described to agents was still warm) containing the remaining approximately 4.5 ounces of crack cocaine. TONEY stated, "It's over but I didn't want to take it out." CI-5 responded, "How I got it is how he's going to get it," then exited the apartment complex.

i. Based on my training and experience, and knowledge of this investigation, I believe that when TONEY stated, "It's over but I didn't want to take it out," she was advising CI-5 that the weight of the drugs was over the amount that CI-5 asked for, but she did not want to take any of the crack cocaine out of the bag. Furthermore, I believe that when CI-5 stated, "How I got it is how he's going to get it," I believe that CI-5 was expressing that s/he was not going to remove any drugs from the bag before giving it to the individual requesting the crack cocaine, which CI-5 received from TONEY.

d. As captured by his/her recording, CI-5 exited TONEY's apartment building and entered his/her vehicle at approximately 1:19 p.m. According to CI-5's audio-video recording, CI-5 did not interact with any other individuals between the time s/he left the **Subject Premises** and returned to meet FBI agents. CI-5 met with FBI agents at a predetermined location, where agents again searched

CI-5 for narcotics, contraband, firearms, or excess money.¹⁶ Searching agents found no such items, other than two clear plastic bags, each containing a white rocklike substance resembling crack cocaine, which CI-5 purchased from TONEY. CI-5 provided the suspected crack cocaine to FBI agents who determined that each bag had a field weight of approximately 127.1 grams and approximately 129.0 grams. Unless otherwise noted, CI-5's movements from his/her departure from the predetermined location preceding the controlled purchase, until his/her return to the predetermined location, where agents took custody of the drugs that CI-5 obtained from TONEY, were documented by surveilling officers and/or by CI-5's audio-video recording. Later, agents submitted the suspected crack cocaine to the DEA Lab for analysis. According to the lab results, the white rocklike substance, with a total net weight of approximately 250.8 grams, was positive for the presence of cocaine base (*i.e.*, crack cocaine).

F. June 15, 2023, Controlled Purchase of Crack Cocaine from TONEY

31. On or about June 15, 2023, at approximately 12:17 p.m., CI-5 met with FBI agents at a predetermined location, where agents searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items. Agents equipped CI-

¹⁶ On this particular date, CI-5 operated his/her own vehicle to the area of TONEY's apartment building located at 1657 East 67th Street for the purpose of completing a controlled purchase at the direction of FBI agents. Though CI-5's person was searched by participating agents at a predetermined location prior to and after the controlled purchase, CI-5's vehicle was not searched either before or after the controlled purchase. However, based upon my review of the recordings on this date, CI-5's audio-video recording captures his/her movements, statements, and actions for the entire time inside the vehicle to and from the FBI.

5 with concealed audio-video recording devices and a transmitter, and provided CI-5 with approximately \$7,500 in cash, in preparation for a controlled drug purchase between CI-5 and TONEY.

32. While in agents' presence and at agents' direction, CI-5 placed a recorded call TONEY—who was using **Subject Phone 1**—to arrange for the purchase of crack cocaine. As captured on his/her recording, CI-5 told TONEY that CI-5 was enroute to TONEY now, and that CI-5 had to stop and use the bathroom before s/he got there. In response, TONEY said, "Alright."

33. Based on my training and experience, knowledge of this investigation, my own surveillance, my conversations with other LEOs who provided surveillance during this controlled purchase, my debrief of CI-5, and my review of the footage captured by CI-5's audio-video recording device, I know the following about the CI-5's controlled purchase on or about June 15, 2023:

a. As captured by his/her audio-video recording CI-5 parked his/her vehicle in the area of TONEY's apartment building located at 1657 East 67th Street. Once there, CI-5 exited his/her vehicle and entered the apartment complex. According to the video recording, once inside the building, CI-5 went to apartment 3K across the hall from TONEY and used the restroom. According to the video recording, CI-5 exited the apartment 3K and knocked on the door for TONEY's apartment (*i.e.*, the **Subject Premises**). According to the video recording, TONEY answered and let CI-5 inside. According to the audio-video recording, TONEY and CI-5 had a short conversation about the police while TONEY was packaging the suspected drugs.

According to the video recording, CI-5 handed TONEY approximately \$7,500 and sat on the couch to count the money while CI-5 collected the suspected crack cocaine around the same time. CI-5 then asked TONEY if “we are good” and TONEY responded, but, based on my review of the recording, TONEY’s response is not audible. According to the audio-video recording, CI-5 then exited the **Subject Premises**.

b. As captured by his/her recording, CI-5 exited the apartment complex and CI-5 entered his/her vehicle at approximately 1:12 p.m. According to CI-5’s audio-video recording, CI-5 did not interact with any other individuals between the time s/he left the **Subject Premises** and returned to meet FBI agents. CI-5 met with FBI agents at a predetermined location, where agents again searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items, other than one clear plastic bag containing a white rocklike substance resembling crack cocaine.¹⁷ CI-5 provided the suspected crack cocaine to FBI agents who determined that it had a field weight of approximately 250.3 grams. Unless otherwise noted, CI-5’s movements from his/her departure from the predetermined location preceding the controlled purchase, until his/her return to the predetermined location, where agents

¹⁷ On this particular date, CI-5 operated his/her own vehicle to the area of TONEY’s apartment building located at 1657 East 67th Street for the purpose of completing a controlled purchase at the direction of FBI agents. Though CI-5’s person was searched by participating agents at a predetermined location prior to and after the controlled purchase, CI-5’s vehicle was not searched either before or after the controlled purchase. However, based upon my review of the recordings on this date, CI-5’s audio-video recording captures his/her movements, statements, and actions for the entire time inside the vehicle to and from the FBI.

took custody of the drugs that CI-5 obtained from TONEY, were documented by surveilling officers and/or by CI-5's audio-video recording. Agents have submitted the suspected crack cocaine to the DEA Lab for analysis. According to lab results, the white rocklike substance, with a net weight of approximately 247.3 grams, tested positive for cocaine base (*i.e.*, crack cocaine) and phenyltetrahydroimidazothiazole.¹⁸

G. July 10, 2023, Controlled Purchase of Crack Cocaine from TONEY

34. On or about July 10, 2023, at approximately 3:15 p.m., CI-5 met with FBI agents at a predetermined location, where agents searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items. Agents equipped CI-5 with concealed audio-video recording devices and a transmitter and provided CI-5 with approximately \$7,500 in cash, in preparation for a controlled drug purchase between CI-5 and TONEY.

35. Based on my training and experience, knowledge of this investigation, my own surveillance, my conversations with other LEOs who provided surveillance during this controlled purchase, my debrief of CI-5, and my review of the footage captured by CI-5's audio-video recording device, I know the following about the CI-5's controlled purchase on or about July 10, 2023:

¹⁸ Based on my review of publicly available research published by the Drug Enforcement Administration, phenyltetrahydroimidazothiazole is a "cutting agent," or drug dilutant, for cocaine, "and is now the most predominant adulterant in cocaine produced in Columbia." See Jennifer R. Mallette, et al., "The Separation of Cocaine and Phenyltetrahydroimidazothiazole Mixtures," *available at* https://www.dea.gov/sites/default/files/pr/microgram-journals/2013/mj10-1_12-16.pdf (last accessed July 18, 2023).

a. As captured by his/her audio-video recording, CI-5 parked his/her vehicle in the area of TONEY's apartment building located at 1657 East 67th Street. Once there, according to the audio-video recording, CI-5 exited his/her vehicle and entered the apartment complex. According to the audio-video recording, CI-5 knocked on the door of TONEY's apartment (*i.e.*, the **Subject Premises**), TONEY answered and let CI-5 inside. According to the audio-video recording, CI-5 counted the money for the crack cocaine purchase while TONEY was packaging the suspected drugs. According to the audio-video recording, CI-5 and TONEY had a short conversation about what time the crack cocaine deal was supposed to happen. As also captured by the audio-video recording, CI-5 handed TONEY the approximately \$7,500 while CI-5 collected the suspected crack cocaine at the same time. According to the audio-video recording, CI-5 then exited the **Subject Premises**.

b. As captured by his/her recording, CI-5 left the apartment complex and CI-5 entered his/her vehicle. According to CI-5's audio-video recording, CI-5 did not interact with any other individuals between the time s/he left the **Subject Premises** and returned to meet FBI agents. CI-5 met with FBI agents at a predetermined location, where agents again searched CI-5 for narcotics, contraband, firearms, or bundles of cash, finding no such items, other than one clear plastic bag containing a white rocklike substance resembling crack cocaine that CI-5 purchased from TONEY.¹⁹ CI-5 provided the suspected crack cocaine to FBI agents who

¹⁹ On this particular date, CI-5 operated his/her own vehicle to the area of TONEY's apartment building located at 1657 East 67th Street for the purpose of completing a controlled purchase at the direction of FBI agents. Though CI-5's person was searched by

determined that it had a field weight of approximately 247.5 grams. Unless otherwise noted, CI-5's movements from his/her departure from the predetermined location preceding the controlled purchase, until his/her return to the predetermined location, where agents took custody of the drugs that CI-5 obtained from TONEY, were documented by surveilling officers and/or by CI-5's audio-video recording. Agents have submitted the suspected crack cocaine to the DEA Lab for analysis and are still awaiting results.

II. SPECIFICS REGARDING SEARCHES OF ELECTRONIC STORAGE MEDIA

36. Based on my training and experience, and my familiarity with this investigation, people who traffic drugs, like TONEY, frequently use electronic devices to further those offenses. Indeed, as noted above, consensually recorded communications and controlled purchases by CI-5 demonstrate that TONEY has used electronic devices (namely, **Subject Phone 1**) to further her drug-trafficking activities by arranging drug transactions via electronic devices. In addition, based on my training and experience, such individuals frequently keep their devices on their person or in their residence, and searching such devices is likely to lead to evidence of the **Subject Offenses**, including, for example, information regarding drug transactions, co-conspirators, and locations from which the **Subject Offenses** are

participating agents at a predetermined location prior to and after the controlled purchase, CI-5's vehicle was not searched either before or after the controlled purchase. However, based upon my review of the recordings on this date, CI-5's audio-video recording captures his/her movements, statements, and actions for the entire time inside the vehicle to and from the FBI.

conducted. Significant amounts of this information is likely available due to the considerable storage and data collection capability of these devices and the frequency with which they are used in furtherance of the **Subject Offenses**. This information can only be fully recovered in a controlled laboratory environment due to software used and the sensitivity of electronic storage media.

37. Further, based upon my training and experience, and the training and experience of specially trained personnel whom I have consulted, searches of evidence from electronic storage media commonly require agents to download or copy information from the electronic storage media and their components, or remove most or all electronic storage media items (*e.g.* computer hardware, computer software, computer-related documentation, and cellular telephones) to be processed later by a qualified computer expert in a laboratory or other controlled environment. This is almost always true because of the following:

a. Electronic storage media can store the equivalent of thousands of pages of information. Especially when the user wants to conceal criminal evidence, he or she often stores it with deceptive file names. This requires searching authorities to examine all the stored data to determine whether it is included in the warrant. This sorting process can take days or weeks, depending on the volume of data stored, and it would be generally impossible to accomplish this kind of data search on site.

b. Searching electronic storage media for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer

experts to specialize in some systems and applications, so it is difficult to know before a search which expert should analyze the system and its data. The search of an electronic storage media system is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover even hidden, erased, compressed, password-protected, or encrypted files. Since electronic storage media evidence is extremely vulnerable to tampering or destruction (which may be caused by malicious code or normal activities of an operating system), the controlled environment of a laboratory is essential to its complete and accurate analysis.

38. In order to fully retrieve data from a computer system, the analyst needs all storage media as well as the computer. The analyst needs all the system software (operating systems or interfaces, and hardware drivers) and any applications software which may have been used to create the data (whether stored on hard disk drives or on external media).

39. In addition, electronic storage media such as a computer, its storage devices, peripherals, and Internet connection interface may be instrumentalities of the crime(s) and are subject to seizure as such if they contain contraband or were used to carry out criminal activity.

III. PROCEDURES TO BE FOLLOWED IN SEARCHING ELECTRONIC STORAGE MEDIA AND AUTHORIZATION REQUEST

40. Pursuant to Rule 41(e)(2)(B) of the Federal Rules of Criminal Procedure, this warrant will authorize the removal of electronic storage media and copying of electronically stored information found in the premises described in Attachment A-1 through A-2 so that they may be reviewed in a secure environment for information

consistent with the warrant. That review shall be conducted pursuant to the following protocol.

41. The review of electronically stored information and electronic storage media removed from the premises described in Attachment A-1 through A-2 may include the following techniques (the following is a non-exclusive list, and the government may use other procedures that, like those listed below, minimize the review of information not within the list of items to be seized as set forth herein):

a. examination of all the data contained in such computer hardware, computer software, and/or memory storage devices to determine whether that data falls within the items to be seized as set forth in Attachment B-1 through B-2;

b. searching for and attempting to recover any deleted, hidden, or encrypted data to determine whether that data falls within the list of items to be seized as set forth in Attachment B-1 through B-2 (any data that is encrypted and unreadable will not be returned unless law enforcement personnel have determined that the data is not (1) an instrumentality of the offenses, (2) a fruit of the criminal activity, (3) contraband, (4) otherwise unlawfully possessed, or (5) evidence of the offenses specified above);

c. surveying file directories and the individual files they contain to determine whether they include data falling within the list of items to be seized as set forth in Attachment B-1 through B-2;

d. opening or reading portions of files, and performing key word searches of files, in order to determine whether their contents fall within the items to be seized as set forth in Attachment B-1 through B-2.

42. The government will return any electronic storage media removed from the premises described in Attachment A1 through A-2 within 30 days of the removal unless, pursuant to Rule 41(c)(2) or (3) of the Federal Rules of Criminal Procedure, the removed electronic storage media contains contraband or constitutes an instrumentality of crime, or unless otherwise ordered by the Court.

IV. BIOMETRIC ACCESS TO SUBJECT PHONES

43. This warrant permits law enforcement agents to obtain from the person of TONEY the compelled display facial characteristics necessary to unlock **Subject Phone 1**, or any other **Subject Phone** with biometric features that is reasonably believed to be used by TONEY recovered from the **Subject Premises**. The grounds for this request are as follows:

a. I know from my training and experience, as well as from information found in publicly available materials published by device manufacturers, that many electronic devices, particularly newer mobile devices such as **Subject Phone 1** offer their users the ability to unlock the device through biometric features in lieu of a numeric or alphanumeric passcode or password. These biometric features include fingerprint scanners, facial recognition features, and iris recognition features. Some devices offer a combination of these biometric features, and the user of such devices can select which features they would like to utilize.

44. Here, **Subject Phone 1** appears to be a newer model Apple iPhone that would possibly only be equipped with facial-recognition technology, not fingerprint scanners or iris recognition features.

45. If a device is equipped with a facial-recognition feature, a user may enable the ability to unlock the device through his or her face. For example, this feature is available on certain Apple devices and is called “Face ID.” During the Face ID registration process, the user holds the device in front of his or her face. The device’s front-facing camera then analyzes and records data based on the user’s facial characteristics. The device can then be unlocked if the front-facing camera detects a face with characteristics that match those of the registered face. Facial recognition features found on devices produced by other manufacturers (such as Android’s “Trusted Face”) have different names but operate similarly to Face ID.

46. In my training and experience, users of electronic devices often enable the aforementioned biometric features because they are considered to be a more convenient way to unlock a device than by entering a numeric or alphanumeric passcode or password. Moreover, in some instances, biometric features are considered to be a more secure way to protect a device’s contents. This is particularly true when the users of a device are engaged in criminal activities and thus have a heightened concern about securing the contents of a device.

47. The passcode or password that would unlock **Subject Phone 1**, or any other **Subject Phone** with biometric features that is reasonably believed to be used by TONEY recovered from the **Subject Premises**, subject to search under this

warrant currently is not known to law enforcement. Thus, law enforcement personnel may not otherwise be able to access the data contained within **Subject Phone 1**, or any other **Subject Phone** with biometric features that is reasonably believed to be used by TONEY recovered from the **Subject Premises**, making the use of biometric features necessary to the execution of the search authorized by this warrant.

48. I also know from my training and experience, as well as from information found in publicly available materials including those published by device manufacturers, that biometric features will not unlock a device in some circumstances even if such features are enabled. This can occur when a device has been restarted, inactive, or has not been unlocked for a certain period of time. Thus, in the event law enforcement personnel encounter a locked device equipped with biometric features, the opportunity to unlock the device through a biometric feature may exist for only a short time. For example, Apple requires a passcode to use a biometric feature when the user has not unlocked their device for more than 48 hours.

49. Due to the foregoing, if **Subject Phone 1**, or any other **Subject Phone** with biometric features that is reasonably believed to be used by TONEY recovered from the **Subject Premises**, may be unlocked using facial recognition, this warrant permits law enforcement personnel to obtain from TONEY the display of facial characteristics necessary to unlock the **Subject Phones**, including to hold the **Subject Phones** in front of the face of TONEY to activate the facial recognition feature, for the purpose of attempting to unlock the **Subject Phones** in order to search the contents as authorized by this warrant.

50. The proposed warrant does not authorize law enforcement to require that TONEY state or otherwise provide the password, or identify specific biometric characteristics (including the other physical features) that may be used to unlock or access any **Subject Phone**. Nor does the proposed warrant authorize law enforcement to use the fact that the warrant allows law enforcement to obtain the display of any biometric characteristics to compel TONEY to state or otherwise provide that information. However, the voluntary disclosure of such information by TONEY would be permitted under the proposed warrant. To avoid confusion on that point, if agents in executing the warrant ask TONEY for the password to any **Subject Phone**, or to identify which biometric characteristic (including the other physical features) unlocks any **Subject Phone**, the agents will not state or otherwise imply that the warrant requires TONEY to state or otherwise provide the password, or identify specific biometric characteristics (including other physical features) that may be used to unlock or access any **Subject Phone**, and will make clear that providing any such information is voluntary and that TONEY is free to refuse the request.

IV. CONCLUSION

51. For all the reasons described above, there is probable cause to believe that the following individual committed the following **Subject Offenses**:

a. TONEY distributed and possessed with intent to distribute a quantity of cocaine, in violation of Title 21, United States Code, Section 841(a)(1) as alleged in Count One.

52. Further, based on the above information, I respectfully submit that there is probable cause to believe that the **Subject Offenses**, have been committed, and that: (a) evidence, instrumentalities, fruits, and contraband relating to this criminal conduct, as further described in Attachment B-1 will be found in **Subject Premises**, as further described in Attachment A-1; and (b) evidence and instrumentalities relating to this criminal conduct, as further described in Attachment B-2, will be found in the **Subject Phones**, as further described in Attachment A-2. I therefore respectfully request that the Court issue a search warrant for the **Subject Premises** and **Subject Phones**, more particularly described in Attachment A-1 and A-2, authorizing the seizure of the items described in Attachment B-1 and B-2.

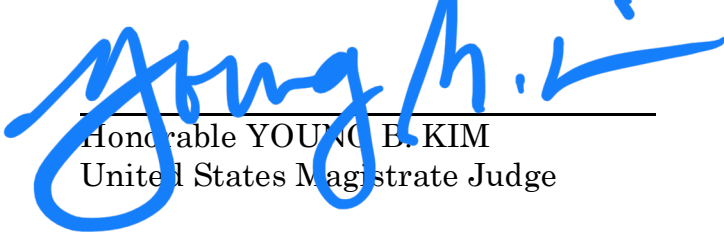
FURTHER AFFIANT SAYETH NOT.



DAVID J. JACKSON

Special Agent,
Federal Bureau of Investigation

SWORN TO AND AFFIRMED
by telephone July 27, 2023.



Honorable YOUNG B. KIM
United States Magistrate Judge

ATTACHMENT A-1

DESCRIPTION OF PREMISES TO BE SEARCHED

A residential apartment unit, specifically, 1657 East 67th Street, Apartment 3L, Chicago, Illinois 60649 (“**Subject Premises**”). The residence is a four level, orange brick building, with multiple exterior windows on each level and each side of the structure. It is in the South Side neighborhood of Chicago and is the first building to the left of the intersecting corner of S. East End Street and East 67th Street. On the interior there are multiple apartments. Apartment 3L is on the third level of the building across from a stairwell banister. The apartment has a brown door with a brown base board. It has no apartment label letter or number affixed to the door.





ATTACHMENT B-1

LIST OF ITEMS TO BE SEIZED

Evidence, instrumentalities, fruits, and contraband concerning violations of Title 21, United States Code, Sections 841, as follows:

1. Data, records, or information relating to **CHANTELL TONEY's** contacts or communications with co-conspirators engaged in the above-mentioned offenses;
2. Controlled substances, and residue from those controlled substances, along with any manufacturing, cutting or diluting agents used in manufacturing or distributing controlled substances;
3. Drug paraphernalia, such as measuring and weighing devices;
4. Packaging and shipping materials and devices, including wrappers, heat sealers, plastics, tin foil, plastic wrappers, cellophane, jars, plastic bags, pill bottles, balloons and containers that can be used to package controlled substances or chemicals used to manufacture controlled substances;
5. Containers, such as boxes, bags, briefcases, suitcases, that contain controlled substances, currency, or chemicals used to manufacture or distribute controlled substances;
6. United States currency, foreign currency, and any and all financial instruments, in sums greater than \$500;

7. Money-counting machines, money wrappers, and bags or containers used to carry controlled substances or money;

8. Records, documents, programs, applications or materials relating to the trafficking of controlled substances, including ledgers, pay-owe records, distribution or customer lists, correspondence, receipts, records, and documents noting price, quantities, or times when controlled substances were bought, sold, or otherwise distributed;

9. Records, documents, programs, applications, or materials showing payment, receipt, concealment, transfer, or movement of money generated from the sale of controlled substances, including documents written in vague or coded language, and including bank-account records, wire-transfer records, bank statements, pay-owe sheets, receipts, safe deposit box keys and records, money containers, financial records, and notes;

10. Records, items, and documents reflecting travel for participating in drug trafficking, including airline tickets, credit card receipts, travel vouchers, hotel and restaurant receipts, canceled checks, maps, and written directions to locations;

11. Audio recordings, pictures, video recordings, or still-captured images relating to the possession or distribution of controlled substances and the collection, transfer or laundering of the proceeds of the above-described offenses;

12. Contents of any calendar or date book;

13. Indicia of occupancy, residency, control or ownership of the **Subject Premises** and things described in this warrant, such as utility bills, telephone bills, loan payment receipts, rent documents, canceled envelopes, keys, photographs, and bank records; and

14. Any cellular devices reasonably believed to be used by TONEY, including any telephone with call number 773-XXX-5839 (“**Subject Phone 1**”).

15. During the execution of this search warrant at the **Subject Premises**, law enforcement personnel are authorized to: (a) compel the display of facial characteristics of **CHANTELL TONEY** necessary to unlock any **Subject Phone** in order to gain access to the contents of the **Subject Phone**; or (b) depress the fingerprints and/or thumbprints of **CHANTELL TONEY** at the **Subject Premises** onto the Touch ID sensor of any **Subject Phone** found at the **Subject Premises** in order to gain access to the contents of any such device.

While attempting to unlock the device by use of the compelled display of biometric characteristics pursuant to this warrant, law enforcement is not authorized to demand that **TONEY** state or otherwise provide the password or identify the specific biometric characteristics (including the other physical features), that may be used to unlock or access any **Subject Phone**. Nor does the warrant authorize law enforcement to use the fact that the warrant allows law enforcement to obtain the display of any biometric characteristics to compel **TONEY** to state or otherwise

provide that information. However, the voluntary disclosure of such information by **TONEY** is permitted. To avoid confusion on that point, if agents in executing the warrant ask **TONEY** for the password to any **Subject Phone**, or to identify which biometric characteristic (including the other physical features) unlocks any **Subject Phone**, the agents will not state or otherwise imply that the warrant requires **TONEY** to state or otherwise provide the password, or identify specific biometric characteristics (including the other physical features) that may be used to unlock or access any **Subject Phone**, and will make clear that providing any such information is voluntary and that the person is free to refuse the request.

ADDENDUM TO ATTACHMENT B-1

Pursuant to Rule 41(e)(2)(B) of the Federal Rules of Criminal Procedure, this warrant authorizes the removal of electronic storage media and copying of electronically stored information, including cell phones, that are described in Attachment B-1 and found in the premises described in Attachment A-1 so that they may be reviewed in a secure environment for information consistent with the warrant.

Subject to the exceptions to the warrant requirement as recognized by law, the government may search only those electronic storage media that fall within the criteria as described in Attachment B-1, which may either be all electronic storage media found in the premises or only a subset of the electronic storage media found in the premises.

The government's review of removed electronic storage media shall be conducted pursuant to the following protocol:

The government must make reasonable efforts to use methods and procedures that will locate those categories of data, files, documents, or other electronically stored information that are identified in the warrant, while minimizing exposure or examination of categories that will not reveal the items to be seized in Attachment B-1.

The review of electronically stored information and electronic storage media removed from the premises described in Attachment A-1 may include the below techniques. These techniques are a non-exclusive list, and the government may use other procedures if those procedures are designed to minimize the review of information not within the list of items to be seized as set forth in Attachment B-1:

a. examination of categories of data contained in such computer hardware, computer software, and/or memory storage devices to determine whether that data falls within the items to be seized as set forth in Attachment B-1;

b. searching for and attempting to recover any deleted, hidden, or encrypted data to determine whether that data falls within the list of items to be seized as set forth in Attachment B-1;

c. surveying various file directories and folders to determine whether they include data falling within the list of items to be seized as set forth in Attachment B-1;

d. opening or reading portions of files, and performing key word or concept searches of files, in order to determine whether their contents fall within the items to be seized as set forth in Attachment B-1; and

e. using forensic tools to locate data falling within the list of items to be seized as set forth in Attachment B-1.

Law enforcement personnel are not authorized to conduct additional searches for any information beyond the scope of the items to be seized by this warrant as set forth in Attachment B-1. To the extent that evidence of crimes not within the scope of this warrant appears in plain view during the government's review, the government shall submit a new search warrant application seeking authority to expand the scope of the search prior to searching portions of that data or other item that is not within the scope of the warrant. However, the government may continue its search of that same data or other item if it also contains evidence of crimes within the scope of this warrant.

The government will return any electronic storage media removed from the premises described in Attachment A-1 within 30 days of the removal unless, pursuant to Rule 41(c)(2) or (3) of the Federal Rules of Criminal Procedure, the removed electronic storage media contains contraband or constitutes an instrumentality of crime, or unless otherwise ordered by the Court.

ATTACHMENT A-2

DESCRIPTION OF ITEMS TO BE SEARCHED

Any cellular devices recovered from the premises described in Attachments A-1 reasonably believed to be used by TONEY, including telephone with call number 773-XXX-5839 (“**Subject Phone 1**”), concerning violations of Title 21, United States Code, Sections 841(a) (as defined in the Affidavit, the “**Subject Offenses**”).

ATTACHMENT B-2

LIST OF ITEMS TO BE SEIZED

Evidence and instrumentalities concerning violations of Title 21, United States Code, Sections 841 (as defined in the Affidavit, the “**Subject Offenses**”), as follows:

1. All names, aliases, and numbers stored in the phones, including the numbers associated with **Subject Phones** and any number directory stored in the memory of the phones that provides information regarding the identities of the participants and/or co-conspirators involved in the commission of the **Subject Offenses**.
2. All telephone calls made or received located in the memory of **Subject Phones** that provide information regarding the identities of and the methods and means of operation and communication by the participants and/or coconspirators involved in the **Subject Offenses**.
3. All messages, including voicemail, text messages, and email messages, pertaining to the **Subject Offenses**, and the identification of co-conspirators involved in the **Subject Offenses**.
4. All information including telephone call history that identifies the user or users of **Subject Phones**, as well as any individuals with which **Subject Phone 1** communicated in connection with the commission of the **Subject Offenses**.
5. Messages stored in any applications installed on **Subject Phones** identifying the user or the users of **Subject Phones** as well as any individuals with whom **Subject Phones** communicated in connection with the commission of the **Subject Offense**.
6. All digital photographs and videos that contain images related to firearms, drug-trafficking proceeds, and/or participation in the **Subject Offenses**, and items related to when and where the photographs and videos were created and sent or received, and who created them.

7. All geographic location information that provides information regarding the location of the participants and/or co-conspirators involved in the **Subject Offenses**, including any search information contained within navigation applications.

8. Any internet searches or history related to the **Subject Offenses** witnesses, co-conspirators, and other participants in the **Subject Offenses**.

9. Any telephone or application logs that reflect the use of **Subject Phones** to contact co-conspirators of the **Subject Offenses**.

10. All content contained in social media applications, including WhatsApp, related to the **Subject Offenses** or witnesses, co-conspirators, and other participants in the **Subject Offenses**.

11. Records relating to drugs, drug distribution, drug packaging, drug proceeds, or firearms.

12. Records relating to unexplained wealth, bulk U.S. currency, or the disposition of proceeds of the **Subject Offenses**.

ADDENDUM TO ATTACHMENT B-2

Pursuant to Rule 41(e)(2)(B) of the Federal Rules of Criminal Procedure, this warrant authorizes the removal of electronic storage media and copying of electronically stored information, including cell phones, that are described in Attachment B-2 and found in the premises, vehicle, person and items described in Attachment A-1 through A-2 so that they may be reviewed in a secure environment for information consistent with the warrant.

Subject to the exceptions to the warrant requirement as recognized by law, the government may search only those electronic storage media that fall within the criteria as described in Attachment B-2, which may either be all electronic storage media found in the premises, vehicle, and items or only a subset of the electronic storage media found in the premises, vehicle and items.

The government's review of removed electronic storage media shall be conducted pursuant to the following protocol:

The government must make reasonable efforts to use methods and procedures that will locate those categories of data, files, documents, or other electronically stored information that are identified in the warrant, while minimizing exposure or examination of categories that will not reveal the items to be seized in Attachment B-2.

The review of electronically stored information and electronic storage media removed from the premises, vehicle, person and items described in Attachment A-1 through A-2 may include the below techniques. These techniques are a non-exclusive list, and the government may use other procedures if those procedures are designed to minimize the review of information not within the list of items to be seized as set forth in Attachment B-2:

a. examination of categories of data contained in such computer hardware, computer software, and/or memory storage devices to determine whether that data falls within the items to be seized as set forth in Attachment B-2;

b. searching for and attempting to recover any deleted, hidden, or encrypted data to determine whether that data falls within the list of items to be seized as set forth in Attachment B-2;

c. surveying various file directories and folders to determine whether they include data falling within the list of items to be seized as set forth in Attachment B-2;

d. opening or reading portions of files, and performing key word or concept searches of files, in order to determine whether their contents fall within the items to be seized as set forth in Attachment B-2; and

e. using forensic tools to locate data falling within the list of items to be seized as set forth in Attachment B-2.

Law enforcement personnel are not authorized to conduct additional searches for any information beyond the scope of the items to be seized by this warrant as set forth in Attachment B-2. To the extent that evidence of crimes not within the scope of this warrant appears in plain view during the government's review, the government shall submit a new search warrant application seeking authority to expand the scope of the search prior to searching portions of that data or other item that is not within the scope of the warrant. However, the government may continue its search of that same data or other item if it also contains evidence of crimes within the scope of this warrant.

The government will return any electronic storage media removed from the premises, vehicle, person and items described in Attachment A-1 through A-2 within 30 days of the removal unless, pursuant to Rule 41(c)(2) or (3) of the Federal Rules of Criminal Procedure, the removed electronic storage media contains contraband or constitutes an instrumentality of crime, or unless otherwise ordered by the Court.