

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ANTONIO SALGADO;
ARMANDO DELGADO;
OCTAVIO ALEJANDRE, JR.;
JAIME GUTIERREZ; and
MUNAF ABDULRAZAK MUSA

CASE NUMBER:
UNDER SEAL

CRIMINAL COMPLAINT

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

Beginning no later than on or about May 1, 2015, and continuing until on or about June 1, 2015, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendants violated:

Code Section

Title 18, United States Code,
Section 1201(a)(1) and (c)

Offense Description

did conspire with each other and with others known and unknown to knowingly and unlawfully seize, confine, kidnap, abduct, carry away, and hold for ransom another person, namely, Victim A, and to use means, facilities, and instrumentalities of interstate commerce in committing and in furtherance of the offense, in violation of Title 18, United States Code, Section 1201(a)(1) and (c).

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

TYLER S. KAZEE
Special Agent, Federal Bureau of Investigation

Sworn to before me and signed in my presence.

Date: January 29, 2016

Judge's signature

City and state: Chicago, Illinois

MICHAEL T. MASON, U.S. Magistrate Judge

AFFIDAVIT

I, Tyler S. Kazee, being duly sworn, state as follows:

I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since approximately 2012. I am currently assigned to the Chicago Division OCDETF Strike Force.

2. As part of my FBI duties, I investigate criminal violations relating to offenses enumerated in the Comprehensive Drug Abuse Prevention and Controlled Substances Act of 1970, Title 21, United States Code, Section 801 *et seq.* In conducting such investigations, I have used a variety of investigative techniques and resources, including physical and electronic surveillance, and the use of confidential sources and informants. Through these investigations, my training and experience, and conversations with other special agents and law enforcement personnel, I have become familiar with methods used by drug traffickers to safeguard their narcotics, to distribute narcotics, and to collect and launder narcotics-related proceeds.

3. Because this Affidavit is for the limited purpose of establishing probable cause to support the criminal complaint and the issuance of arrest warrants in this matter, it contains only a summary of relevant facts. I have not

included every fact known to me concerning the entities, individuals, and events described in this Affidavit.

4. This Affidavit is made in support of a complaint that charges that beginning no later than on or about May 1, 2015, and continuing until on or about June 1, 2015, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, defendants ANTONIO SALGADO, ARMANDO DELGADO, OCTAVIO ALEJANDRE, JR., JAIME GUTIERREZ, and MUNAF ABDULRAZAK MUSA did conspire with each other and with others known and unknown to knowingly and unlawfully seize, confine, kidnap, abduct, carry away, and hold for ransom another person, namely, Victim A, and to use means, facilities, and instrumentalities of interstate commerce in committing and in furtherance of the offense, in violation of Title 18, United States Code, Section 1201(a)(1) and (c).

5. The statements contained in this Affidavit are based in part on: (a) my participation in this investigation; (b) information provided by other federal and local law enforcement officers (“LEOs”); (c) conversations intercepted pursuant to court-authorized interception of wire communications over Target Phone 9, a cellular telephone assigned telephone number (773) 543-5818 and used by ANTONIO SALGADO (hereinafter “the SALGADO Phone”); (d) telephone toll records; (e) pen register information; (f) phone location information; (g) historical cell site information; (h) surveillance reports; (i) a search, pursuant to a state search warrant, of Subject Phone 29, a Kyocera cellular telephone assigned telephone

number (773) 413-4559, which ARMANDO DELGADO had in his possession when he was arrested by the Berwyn Police on June 1, 2015 (hereinafter “the DELGADO phone”); (j) information from Individual A, an individual who reported that OCTAVIO ALEJANDRE, JAIME GUTIERREZ, and MUNAF MUSA were involved in the kidnapping plot;¹ and (k) my training and experience and that of other law enforcement agents.

II. SUMMARY OF PROBABLE CAUSE

6. Since approximately December 2014, the FBI and the Drug Enforcement Administration have been conducting a narcotics trafficking investigation of various individuals who are believed to be involved in a Drug Trafficking Organization that operates in the Chicago area and elsewhere. During the investigation, LEOs pursued court-authorized interception of the SALGADO Phone. LEOs also obtained telephone toll information, phone location information, and historical cell site information for various phones used by the defendants, as well as information from Individual A, and text messages and contact information from the DELGADO Phone. Taken together, the evidence establishes that the

¹ When interviewed, Individual A admitted to having knowledge of a kidnapping/robbery plot in which ALEJANDRE, GUTIERREZ, and MUSA were involved in May 2015. Individual A has no criminal history, but has admitted to distributing marijuana. Individual A participated in a voluntary, non-custodial interview on November 3, 2015, after receiving and waiving his rights. The interview was recorded. Individual A was promised nothing in exchange for his participation in the interview. The information provided by Individual A has proven reliable and credible, and has been corroborated by independent investigation that includes toll records, phone location information, historical cell site information, and intercepted communications.

defendants engaged in a conspiracy to kidnap an unspecified narcotics trafficker or his courier with the goal of extorting money and/or narcotics. Ultimately, the evidence indicates, the defendants kidnapped Victim A at gunpoint, blindfolded him, threatened him with a gun, threatened to cut off his hands or fingers with a knife, and held him for ransom for more than 24 hours before releasing him on June 1, 2015.

7. Among other things, intercepted phone conversations over the SALGADO Phone which took place on May 12, 13, and 22, 2015, reflect that ANTONIO SALGADO and ARMANDO DELGADO planned the kidnapping and orchestrated surveillance in anticipation of the offense.² Then, on May 31, 2015, after Victim A had been kidnapped, DELGADO and OCTAVIO ALEJANDRE used the DELGADO Phone to call SALGADO on the SALGADO Phone and discuss the ongoing kidnapping. At this time, SALGADO directed and counseled DELGADO and ALEJANDRE on how to proceed while Victim A was being held.

8. Additionally, information provided by Individual A, telephone toll information, phone location information, and historical cell site information

² The identification of ANTONIO SALGADO as the user of the SALGADO Phone is based on the following: (a) During the investigation, LEOs conducted surveillance of SALGADO while using a cell site simulator on several occasions. During that surveillance, T-Mobile IMSI 310260641986118 was located in the vicinity of SALGADO. The T-Mobile IMSI was determined to belong to the phone assigned number (773) 543-5818. (b) During interception over that phone, a Spanish speaking linguist familiar with SALGADO's voice based on prior court-authorized interceptions over other target phones used by SALGADO listened to the calls that were intercepted over the SALGADO Phone, and confirmed that SALGADO was the user of the SALGADO Phone during the conversations that are set forth below.

indicates that ALEJANDRE directed the activities of co-conspirators JAIME GUTIERREZ and MUNAF MUSA during the kidnapping. Among other things, Individual A reported that, when he was inside ALEJANDRE's home before the kidnapping, he overheard ALEJANDRE, GUTIERREZ, and MUSA discuss tracking a vehicle associated with the victim they were targeting and planned to rob. According to Individual A, GUTIERREZ also told Individual A that MUSA was conducting surveillance and following the victim. Moreover, Individual A reported that, after the kidnapping took place, GUTIERREZ, who had previously promised to pay Individual A for borrowing Individual A's car during the plot, told Individual A that he could not pay him because "[s]omething went down. Something went bad."

9. That ALEJANDRE, GUTIERREZ, and MUSA were involved in the kidnapping is further corroborated by telephone toll information, phone location information, and historical cell site information. As described below, at relevant times, the cell phones used by ALEJANDRE and MUSA were located in the vicinity of the residence from where Victim A was kidnapped, as well as the location where Victim A was later held. Additionally, there were numerous contacts among the cell phones used by ALEJANDRE, GUTIERREZ, and MUSA during the relevant timeframe.

III. FACTS ESTABLISHING PROBABLE CAUSE

A. Prior to the kidnapping, SALGADO used the SALGADO Phone to discuss robbing narcotics traffickers with DELGADO.

10. Prior to the May 30, 2015, kidnapping, SALGADO was intercepted over the SALGADO Phone discussing robbing narcotics traffickers with other individuals, including DELGADO.³

i. On May 12, 2015 and May 13, 2015, SALGADO discussed conducting surveillance of narcotics traffickers with DELGADO.

11. On May 12, 2015, at approximately 2:12 p.m. (Session 434), SALGADO, using the SALGADO Phone, participated in a telephone call with DELGADO, who was using the DELGADO Phone.⁴ During this conversation, SALGADO stated, “Well let’s do the other one, but that one’s for sure.” DELGADO

³ The recorded communications summarized in this Affidavit do not include references to all topics covered during the course of the conversation. The summaries also do not include references to all statements made by the speakers on topics described. All quotations from recorded conversations are based on preliminary transcriptions of those conversations and/or your Affiant having personally listened to the recordings. The times listed for the recorded conversations are approximate. At various points in the Affidavit, I include in brackets my interpretation of words and phrases used in the recorded conversations. My interpretations are based on the contents and context of the recorded conversations, my knowledge of the investigation as a whole, my experience and training, and the experience and training of other LEOs in this investigation. Unless otherwise noted, the intercepted conversations contained herein are all in the Spanish language. For these interceptions, I have relied on draft, not final, Spanish-to-English translation of the conversations done by LEOs and/or interpreters. Italicized words have been left in Spanish for emphasis.

⁴ The identification of ARMANDO DELGADO as the user of the DELGADO Phone is based on the following: (a) LEOs obtained an order on May 27, 2015, permitting the real-time collection of GPS location information for DELGADO’s phone, which was assigned number (773) 413-4559, although DELGADO was known only as “UM-4559” at the time. (b) Thereafter, on June 1, 2015, LEOs obtained approval from the Department of Justice for an emergency pen register for DELGADO’s phone, which provided additional real-time collection of GPS location information in connection with the ongoing kidnapping investigation involving Victim A. DELGADO was thereafter arrested on June 1, 2015, while in possession of a Kyocera cellular telephone that was assigned number (773) 413-4559 -- the same phone number as the phone that was intercepted calling the SALGADO Phone during the kidnapping.

replied, "No, this one is another dude, dog. This is not the other one. This is another fucking ranch." SALGADO stated, "Oh, so it's two different dudes, two different ranches?" DELGADO responded, "Yeah. These niggers just came from over there right now." SALGADO stated, "And what they talking about?" DELGADO replied, "Shit cause dude talking about they were going to drop it off at 2 o'clock so they were over there and like before 2 o'clock they called them talking about if he had ordered two. Dude talking about, uh, 'it's here, come pick it up.' But these niggers were in the bushes, they were right there but they didn't so no one come in." SALGADO stated, "And then?" DELGADO stated, "So either, dude came early this morning. You know what I'm saying? He didn't come in at 2. I don't know what time he came. But he got there and he..." SALGADO asked, "Did they give it to the dude?" DELGADO stated, "Not yet." DELGADO then stated, "he did not want to go get them right now." SALGADO stated, "But then, then they're just using that spot as a drop off, no?" DELGADO replied, "Yeah, that's what dude said. That they're using that as a drop off." SALGADO responded, "Right. Then..." DELGADO cut off SALGADO and stated, "It's a drop off, drop off with the loot." SALGADO stated, "Right. That's what I'm saying they gotta be close by from that place." DELGADO replied, "I don't know. But, But, remember I told you that if some dude with a 745 Beamer." SALGADO replied, "Mmmhmm." DELGADO replied, "Well he's the one that is dropping shit off." SALGADO asked, "And how come you all don't follow buddy back? Where ever he is going." DELGADO

responded, "Because that's. We trying to catch him, nigger. We can't catch him." SALGADO stated, "Ahh." DELGADO stated, "That's the one that we need to catch. So, that's where we are, trying to get him. Then I was telling dude that, shit, we go in there, we can wait for dude but it's going to be hard."

12. Based on the above-described intercepted call, LEOs determined that DELGADO informed SALGADO that DELGADO and his associates had ordered two kilograms of narcotics from an unknown supplier. These associates conducted surveillance of the supplier in order to observe the narcotics being delivered to the supplier. Once the narcotics were delivered, DELGADO and his associates planned to follow the courier to the location where the narcotics were stored. However, DELGADO and the associates could not follow the courier as they did not observe him making the delivery. Nonetheless, DELGADO informed SALGADO that an individual driving a BMW 745 sedan was the courier. DELGADO explained that he and his accomplices would try to catch the courier.

13. On May 13, 2015, at approximately 10:51 a.m. (Session 615), SALGADO, using the SALGADO Phone, participated in a telephone call with DELGADO, who was using the DELGADO Phone. During this conversation, DELGADO said, "I got the plate [license plate] for you. Did the guy leave already?" SALGADO replied, "He [UM] is gone now." DELGADO said, "Ah, fuck!" SALGADO said, "Text it [the license plate] to me." DELGADO said, "Okay." SALGADO said, "If he [UM] be around the area, he's from the area."

14. Based on the above-described intercepted call over the SALGADO Phone, LEOs determined that, during the morning on May 13, 2015, SALGADO went to look for the courier's vehicle. SALGADO received a phone call from DELGADO while he was in the vicinity of the courier's home, and SALGADO informed DELGADO that the courier was no longer in the area. SALGADO asked DELGADO to text him the license plate of the courier's vehicle. Toll records indicate that later that day, DELGADO sent one text message to SALGADO, however, because electronic communications were not authorized at the time that interception was taking place, LEOs could not obtain the license plate that DELGADO texted to SALGADO. However, as explained below, DELGADO was later arrested by Berwyn Police, and the DELGADO Phone was seized incident to arrest and searched pursuant to a June 3, 2015, state search warrant. The search of the DELGADO phone recovered a text message sent from the DELGADO Phone to the SALGADO Phone on May 13, 2015, at approximately 10:56 a.m. The text message stated "B 745054." Importantly, Witness C -- the uncle of Victim A who was later called by the kidnappers while Victim A was being held -- is the owner of a white BMW 745 sedan with Illinois License Plate V 745054.⁵

ii. On May 22, 2015, SALGADO again discussed conducting surveillance with DELGADO.

⁵ All of the numerals were correctly identified, but LEOs believe that DELGADO may have inadvertently typed "B" in place of "V," since both letters appear next to one another on the phone keyboard.

15. On May 22, 2015, at approximately 4:37 p.m. (Session 434), SALGADO, using the SALGADO Phone, had a telephone conversation with DELGADO, who was using the DELGADO Phone. During this conversation, DELGADO said, "I'm working like a slave." SALGADO replied, "Man... I hate that shit, Bro." SALGADO asked, "What's up? What happened with the nick knack [stash house]?" DELGADO replied, "Man you know what, you're going to have to go over there dog. You're going to have to go [unintelligible] seen with dude, Bro." SALGADO stated, "Well show me the spot. I'll mother fucking go sit over there by my damn self, nigger." DELGADO replied, "You'll have to go over with, what's his face, he can take you over there." SALGADO asked, "With who?" DELGADO replied, "Fat Ass. This guy's cousin."⁶ SALGADO replied, "Oh, with Compadre's cousin?" DELGADO replied, "Yeah, dog." DELGADO stated, "I just want to know when he comes out of work. When he's going to work, dog." SALGADO replied, "Going to have to do it Tuesday. Monday no job." DELGADO replied, "Yeah, I know. You guys are going to have to go over there at like about four o'clock. Four or Four-Thirty." SALGADO asked, "What's up with the other ones [other narcotics traffickers]?" The call cuts out and the conversations ended.

16. Based on the above-described intercepted call over the SALGADO Phone, LEOs determined that SALGADO and DELGADO planned to conduct

⁶ According to Individual A, JAIME GUTIERREZ is OCTAVIO ALEJANDRE's cousin. GUTIERREZ is also described as a heavy set male.

surveillance of the narcotics trafficker's residence with the assistance of GUTIERREZ.

B. In May 2015, ALEJANDRE, GUTIERREZ, and MUSA Discussed Being Involved in a Plot to Conduct Surveillance and Rob Narcotics Traffickers.

17. LEOs obtained historical cell site information and telephone toll records for telephone number (312) 522-5008, used by MUNAF MUSA⁷ (hereinafter “the MUSA Phone”). LEOs identified this number because it was in contact with the DELGADO phone during the time period of the kidnapping. Based on telephone toll records for the MUSA Phone, Individual A was interviewed. At the time of the kidnapping of Victim A, Individual A was an associate of ALEJANDRE, GUTIERREZ, and MUSA. Individual A admitted that he was aware that

⁷ LEOs linked the telephone number for the MUSA Phone, (312) 522-5008, to MUNAF ABDULRAZAK MUSA based upon the following: (a) Individual E was interviewed based upon telephone contact with (312) 522-5008. Individual E confirmed his telephone number, but did not recognize telephone number (312) 522-5008. However, Individual E identified MUSA from a known photograph. Individual E admitted to obtaining user quantities of marijuana from MUSA. Individual E stated that, based upon the timing of the call and text messaging activity, between himself and telephone number (312) 522-5008, telephone number (312) 522-5008 belonged to MUSA. Moreover, when interviewed, Individual E explained that he had only known MUSA for approximately 6 months, and during that time, MUSA changed his telephone number numerous times. (b) Individual G was interviewed based upon telephone contact with (312) 522-5008. Individual G did not recognize telephone number (312) 522-5008. However, Individual G provided two old numbers for MUSA. One of the numbers was (773) 459-1484. (c) As described previously, LEOs searched the DELGADO Phone pursuant to a warrant. LEOs determined that on March 12, 2015, at approximately 5:47 PM, the DELGADO Phone received a text message from (312) 459-1484 stating, “Getting a new number. Text you later.” On March 12, 2015, at approximately 5:56 PM, the DELGADO Phone received a text message from (312) 522-5008 stating, “New number.” For that reason, LEOs believe that MUSA replaced telephone number (773) 459-1484 with (312) 522-5008.

GUTIERREZ was involved in a plot to rob an unknown narcotics trafficker. However, Individual A stated that he was not privy to all of the details of the plot.

18. Individual A reported that he has known GUTIERREZ and MUSA since high school, and said that the two “hang out” with one another. In addition, Individual A stated that he met ALEJANDRE through GUTIERREZ, who is ALEJANDRE’s cousin. Individual A was shown a photograph of ARMANDO DELGADO. Individual A recognized DELGADO, but only knew him as “MANDO.” Individual A reported that, sometime in approximately February of 2015, he had previously seen ALEJANDRE and DELGADO together at TKO Auto Dynamics, Inc., a location in Chicago described below where phone location and cell site information indicate that Victim A was taken during the kidnapping.

19. According to Individual A, in approximately early May 2015, GUTIERREZ mentioned to Individual A that GUTIERREZ would be “hitting big money” or would “hit this big lick or a stain,” which Individual A understood to mean that GUTIERREZ would obtain a large quantity of narcotics or cash by robbing someone. At that time, GUTIERREZ did not tell Individual A who else was involved. Later, Individual A learned that at least three people were involved in the planned robbery and that a kidnapping had, in fact, taken place. According to Individual A, in addition to GUTIERREZ, ALEJANDRE and MUSA also participated. Individual A explained that, “prior to that day of the kidnapping, these guys talked about making a move, getting to somebody.” Individual A also

stated that GUTIERREZ told Individual A that MUSA was keeping any eye out on where the victim's house was and was following the victim. According to Individual A, GUTIERREZ said that the victim had "tons of cash in a safe house with freakin' coke... That was their lick."

20. Individual A further stated that, when he was inside ALEJANDRE's home before the kidnapping, he overheard ALEJANDRE, MUSA, and GUTIERREZ discuss tracking a vehicle associated with the victim they were targeting and planned to rob. At the time, ALEJANDRE, GUTIERREZ, and MUSA were using an App on ALEJANDRE's cellular telephone to monitor a GPS tracking device planted on the victim's vehicle. Individual A stated that MUSA and GUTIERREZ were responsible for monitoring the activity of the vehicle. MUSA was also responsible for maintaining the battery on the tracking device.

21. Later, according to Individual A, GUTIERREZ and MUSA approached Individual A and asked to borrow his car in order to perform some maintenance work and/or replace the tracking device on the victim's vehicle. Individual A agreed to let them use his car, but was concerned because the car was new. As such, Individual A later used the car's On Star system to track its whereabouts and learned that the car traveled a great distance away from Chicago, to a rural farmland area, before it was returned the following day.

22. Furthermore, according to Individual A, before the kidnapping, GUTIERREZ told Individual A that GUTIERREZ would compensate Individual A

for loaning the car to him, as well as for performing some odd jobs. GUTIERREZ stated that Individual A would not get a cut of the proceeds, but GUTIERREZ promised to him \$1,000 once they recovered the narcotics and cash from the victim they had been targeting. However, sometime after June 1, 2015 -- after the kidnapping had taken place and DELGADO was arrested -- Individual A met with GUTIERREZ at Individual A's home. At that time, according to Individual A, GUTIERREZ told Individual A that he could not take care of him like he had promised, explaining or using words to the effect, "I can't get you anymore. I can't help you with the money anymore. Something went down. Something went bad."

C. The Kidnapping of May 30, 2015.

i. Relevant Background

23. When interviewed, Witness A stated that on May 30, 2015, Witness A and Witness B, who is Victim A's brother, went to pick up Victim A from Victim A's residence, which at the time was located at 1501 S. Gunderson Street in Berwyn, Illinois. According to Witness A, they arrived at Victim A's residence sometime after 3:00 p.m. and decided to go shopping. While Victim A locked up the residence and left by the back gate, Witness A and Witness B were outside in their car. At that time, they reported seeing Victim A get kidnapped at gunpoint by two unidentified individuals, who then forced Victim A into a sports utility vehicle.

24. On May 30, 2015, at approximately 4:36 p.m., Witness A called 911 and reported that Witness A and Witness B had just witnessed Victim A get kidnapped at gunpoint by two unidentified individuals and forced into an SUV.

25. When interviewed afterwards, Victim A reported that there were four individuals inside the vehicle that he was forced into when he was kidnapped: the two individuals who grabbed him outside his residence, a driver who was using a cellular telephone during the drive, and a front seat passenger. Victim A could not understand what was discussed because the conversation was in English, but believed that he heard one of the kidnappers monitoring a police radio.

ii. The Defendants' Location and Suspicious Phone Contact Before the Kidnapping

26. During the investigation, LEOs obtained a warrant permitting the real-time collection of GPS location information for the DELGADO Phone on May 27, 2015.⁸ According to the location information, starting on May 29, 2015, at approximately 8:19 p.m., the DELGADO phone was located in the vicinity of 1227 S.

⁸ This Rule 41 warrant, which was signed by Chief U.S. District Judge Castillo before the kidnapping, permitted LEOs to obtain location information for the DELGADO Phone. The May 27, 2015, warrant is distinct from a second Rule 41 warrant that Acting Chief U.S. District Judge Kennelly approved on June 2, 2015, that separately permitted LEOs to determine the location information of the DELGADO Phone, which LEOs involved in the kidnapping investigation believed was being used by the kidnapper of Victim A. Given the exigent circumstances of the kidnapping, before the application for the June 2, 2015, warrant was obtained, at approximately 12:08 a.m. on June 1, 2015, a designate of the Deputy Attorney General of the United States determined under 18 U.S.C. § 3125(a) that an emergency situation existed that involved the immediate danger of death or serious bodily injury to a person, and authorized the installation and use of pen register and trap and trace devices to ascertain the physical location of the DELGADO Phone.

Springfield, Chicago, Illinois, and remained in this area until the following day, May 30, 2015. A public source database search linked 1227 S. Springfield to OCTAVIO ALEJANDRE. When interviewed, Individual A reported that ALEJANDRE resided in the vicinity of 1227 S. Springfield. Individual A also admitted to being present in ALEJANDRE's house and overhearing ALEJANDRE, GUTIERREZ, and MUSA discuss the robbery plot.

27. According to the historical cell site information for the MUSA Phone, on May 30, 2015, starting at approximately 11:40 a.m. and continuing until approximately 3:28 p.m., the MUSA Phone was located in the vicinity of 1227 S. Springfield. Thereafter, starting at approximately 3:58 p.m. and continuing until approximately 4:40 p.m., the cell site information indicates that MUSA Phone was located in the vicinity of Victim A's residence, 1501 S. Gunderson in Berwyn.

28. According to the telephone toll records for the MUSA Phone, on May 30, 2015, at approximately 3:18 p.m., the MUSA Phone placed a three-minute telephone call to the cellular telephone assigned telephone number (773) 837-3684 (hereinafter "the GUTIERREZ Phone").⁹ Thereafter, the GUTIERREZ placed two telephone calls to the MUSA Phone at 3:20 p.m. and 3:25 p.m.

⁹ LEOs linked telephone number (773) 837-3684 to JAIME GUTIERREZ based upon the following: (a) a Public Source Data Base Search linked the phone to GUTIERREZ and indicated that GUTIERREZ was associated with 5616 N. Mamora, Chicago, Illinois. (b) As described previously, LEOs searched the DELGADO Phone and determined that the DELGADO Phone received a text message from this telephone number on May 23, 2015, at approximately 11:15 PM, stating, "5516 n Marmora Chicago il 60630." (c) Individual A recognized telephone number (773) 837-3684 as a phone associated with GUTIERREZ and

29. On May 30, 2015, at approximately 3:28 p.m., the MUSA Phone placed a telephone call to the cellular telephone assigned telephone number (872) 333-6143 (hereinafter “the ALEJANDRE Phone”).¹⁰ Thereafter, the MUSA Phone received three incoming telephone calls from the GUTIERREZ Phone, at approximately 3:49 p.m., 3:57 p.m., and 3:59 p.m.

30. On May 30, 2015, at approximately 4:00 p.m., the MUSA Phone placed a telephone call to the ALEJANDRE Phone. As indicated above, between approximately 3:58 p.m. and continuing until approximately 4:40 p.m., the MUSA Phone was located in the vicinity of Victim A’s residence, 1501 S. Gunderson in Berwyn, immediately before and during the kidnapping.

31. Location information for the DELGADO Phone showed that at approximately 4:05 p.m. on May 30, 2015, this telephone was no longer located in the vicinity of ALEJANDRE’s residence on 1227 S. Springfield, but in the immediate vicinity of Victim A’s residence. In fact, at 4:05 p.m., the DELGADO

recognized the Mamora address as a prior address for GUTIERREZ. (d) the subscriber information for (773) 837-3684 indicates that the phone was registered to GUTIERREZ at another address.

¹⁰ LEOs linked telephone number (872) 333-6143 to OCTAVIO ALEJANDRE based upon the following: (a) Individual A identified telephone number (872) 333-7641 as an old number for OCTAVIO ALEJANDRE. (b) Toll and Pen Register data on the DELGADO Phone identified (872) 333-7641 as a top caller from March 16, 2015 until May 3, 2015. The contact between the DELGADO Phone and (872) 333-7641 ceased on May 3, 2015. Thereafter, starting from May 6, 2015 until May 29, 2015, (872) 333-6143 becomes a new top caller on the DELGADO Phone. (c) Based upon the timing of the changes and frequency of the contacts, LEOs believed that ALEJANDRE replaced (872) 333-7641 with (872) 333-6143.

Phone was located near the alleyway between Gunderson Avenue and Elmwood Avenue, north of 15th Street, in Berwyn. By 4:24 p.m., the DELGADO Phone was located on 15th Street, in between Gunderson Avenue and Elmwood Avenue.

32. During the relevant time period, cell site location information indicated that the ALEJANDRE Phone and the MUSA Phone were located in the same general areas, including ALEJANDRE's residence on S. Springfield and Victim A's residence on S. Gunderson in Berwyn.

33. Based on the statement of Individual A, telephone toll records, and the aforementioned location information, LEOs believe that DELGADO, ALEJANDRE, GUTIERREZ, and MUSA staged at ALEJANDRE's house before the kidnapping. When Witness A and Witness B arrived to pick up Victim A, MUSA, who was conducting surveillance on Victim A, contacted both ALEJANDRE and GUTIERREZ. Thereafter, DELGADO, ALEJANDRE, GUTIERREZ, and MUSA moved from ALEJANDRE's residence to the vicinity of Victim A's residence in order to abduct Victim A.

iii. Phone Location Information, Cell Site Information, and Toll Records for Victim A's Phone, the DELGADO Phone, the ALEJANDRE Phone, and the MUSA Phone During the Kidnapping

34. On May 30, 2015, starting at approximately 5:54 p.m. until approximately 8:47 p.m., location reports for the DELGADO Phone indicate that this phone was in and around the area of TKO Auto, 3021 Rockwell Street in

Chicago, near the intersections of Rockwell Street and Elston Avenue. At the time, TKO Auto was an auto garage.

35. According to phone location information, on May 30, 2015, starting at approximately 9:05 p.m., until May 31, 2015, at approximately 11:30 a.m., the DELGADO Phone was located in the vicinity of Individual A's residence in Chicago. Thereafter, on May 31, 2015, starting at approximately 11:48 a.m. until approximately 4:45 p.m., the DELGADO Phone was located in the vicinity of Individual A's place of employment.¹¹ According to the phone location information, starting at approximately 5:03 p.m. on May 31, 2015, the DELGADO Phone was again located in the vicinity of TKO Auto, where it remained until approximately 9:21 p.m.

36. Pursuant to an Exigent Circumstance request, the Berwyn Police Department obtained the GPS location information for Victim A's cellular telephone, (312) 690-1910.¹² After location reporting commenced, this indicated that Victim A's phone was in the area of Wellington and Washtenaw in Chicago.

¹¹ Pen register records for the DELGADO Phone do not reflect any calls on the evening of May 30, 2015. When interviewing Individual A, LEOs asked about the fact that location information for DELGADO's phone indicated that DELGADO's Phone was at Individual's home and then his place of employment. Individual A responded that JAIME GUTIERREZ gave him a cellular telephone and a small amount of marijuana on May 30, 2015, at approximately 9:00 p.m. According to Individual A, GUTIERREZ asked Individual A to hold onto that cell phone and wait for GUTIERREZ's marijuana customer to call phone and then supply the marijuana. Individual A said that he delivered marijuana to GUTIERREZ's customer during the evening of May 30, 2015, and that GUTIERREZ then retrieved the phone the next day, May 31, 2015.

¹² Victim A's family supplied Victim A's phone number and asked law enforcement to locate Victim A.

Before the phone was turned off, a final location report was provided on May 30, 2015, at approximately 11:59 p.m. The final location report indicated that the phone was in the area of Nelson and Rockwell in Chicago, in the immediate vicinity of TKO Auto.

37. When Victim A was later interviewed, Victim A stated that the location where he was held seemed to be an auto repair garage, based on what he could see when he was able to peer beneath his blindfold.

38. Historical cell site information for the ALEJANDRE Phone and the MUSA Phone indicated that, during the relevant time period, the ALEJANDRE Phone and the MUSA Phone were also located in the area of TKO Auto. For example, the cell site information indicated that, starting at approximately 5:53 p.m. on May 30, 2015, and continuing until approximately 5:12 a.m. on May 31, 2015, the MUSA Phone was located in the vicinity of TKO Auto. Thereafter, on May 31, 2015, at approximately 5:23 a.m., the MUSA Phone was located in the vicinity of MUSA's residence on N. Pulaski in Chicago. According to the records, starting at approximately 5:32 a.m., the MUSA Phone returned to the vicinity of TKO Auto, and remained there until approximately 3:24 p.m., at which time it returned to the vicinity of MUSA's residence. At approximately 4:54 p.m., the MUSA Phone again returned to the vicinity of TKO Auto and remained there until approximately 8:59 p.m. Throughout the remaining evening of May 31, 2015, and

continuing into the early morning hours of June 1, 2015, the MUSA Phone would leave from and then return to the vicinity of TKO Auto.

39. Historical cell site information for the ALEJANDRE Phone indicates that, on May 30, 2015, from approximately 6:02 p.m. until approximately 6:19 p.m., the ALEJANDRE Phone was located in the vicinity of TKO Auto. Thereafter, at approximately 7:13 p.m., the ALEJANDRE Phone was located in the vicinity of Jalisco Electronics, a shop in Chicago that LEOs determined sold one of the pre-paid cellular telephones that was used to contact Victim A's family on May 30, 2015. The first phone call from this pre-paid phone was made at approximately 7:07 p.m. The ALEJANDRE Phone remained in the area of the shop until approximately 7:32 p.m.

40. The historical cell site records further indicated that, from approximately 9:11 p.m., until approximately 10:34 p.m., the ALEJANDRE Phone was located in the vicinity of ALEJANDRE's residence. Thereafter, from approximately 10:52 p.m. until approximately 10:56 p.m., the ALEJANDRE Phone was located in the vicinity of Victim A's residence in Berwyn. At approximately 11:59 p.m., the ALEJANDRE Phone returned to the vicinity of TKO Auto, where it remained until approximately 4:28 a.m. on May 31, 2015. At approximately 4:28 a.m., the ALEJANDRE Phone returned to the area of ALEJANDRE's residence. The ALEJANDRE Phone then returned to the vicinity of TKO Auto at approximately 3:27 p.m., where it remained until approximately 4:01 p.m. The

ALEJANDRE Phone again returned to the vicinity of TKO Auto at approximately 7:05 p.m. and remained there until approximately 9:38 p.m. According to the historical cell site records, the ALEJANDRE Phone was subsequently located in the southern suburbs of Chicago, near the intersections of Route 30 and Illinois State Route 394 at approximately 10:45 p.m. Location information for the DELGADO Phone also indicated that it was in the same general vicinity at 10:44 p.m. Shortly thereafter, both the ALEJANDRE Phone and the DELGADO Phone returned to TKO Auto.

41. Telephone toll records indicate that there were numerous calls between the defendants during times relevant to the kidnapping. For example, between May 29, 2015 and June 1, 2015, with the last contact occurring on June 1, 2015, there were a total of 71 telephone contacts between the MUSA Phone and two telephone numbers associated with JAIME GUTIERREZ, including the GUTIERREZ Phone.

42. Additionally, the telephone toll records indicate that, between May 29, 2015 and June 1, 2015, with the last contact occurring on June 1, 2015, there were a total of 94 telephone contacts between the MUSA Phone and the ALEJANDRE Phone. Furthermore, the telephone toll records indicate that, between May 29, 2015 and June 1, 2015, with the last contact occurring on May 31, 2015, there were a total of 18 telephone contacts between the MUSA Phone and another telephone number that LEOs have determined was also used by DELGADO.

43. Based upon the foregoing, LEOs believe that Victim A was being held in TKO Auto, where DELGADO, ALEJANDRE, MUSA, and others were also present after the defendants kidnapped Victim A from his residence in Berwyn.

iv. The Kidnappers' Ransom Demands

44. Witness C, who is Victim A's uncle, stated that in the early morning hours of May 31, 2015, starting at approximately 12:26 a.m., he received telephone calls from an unknown male, who identified himself as "the Ugly Ones." The unknown individual, who spoke in Spanish, stated that he was holding Victim A. During one of the calls, the caller demanded approximately 25 "*playeras* [shirts]."¹³ Also, during one of the calls, Witness C was allowed to speak briefly to Victim A.

45. When interviewed, Victim A stated that at some point during the period he was being held, the kidnappers put him back inside a vehicle and began driving. During that time, Victim A was placed on the phone and instructed to tell Witness C to cooperate.

46. According to telephone records obtained during the investigation, all of the telephone calls to Witness C originated from a blocked number. However, the Berwyn Police obtained records and identified two telephones used by the kidnappers to call Witness B and Witness C. LEOs later determined that the phones used to contact these family members were the aforementioned pre-paid cellular telephones that were purchased and activated at Jalisco Electronics.

¹³ This is a common code for kilogram quantities of narcotics.

v. **DELGADO, SALGADO, and ALEJANDRE Discussed the Kidnapping as the Crime was Underway.**

47. On May 31, 2015, at approximately 9:37 p.m. (Session 4745), SALGADO, using the SALGADO Phone, had a phone conversation with DELGADO, who was using the DELGADO Phone. During this conversation, SALGADO and DELGADO discussed the kidnapping that was underway. SALGADO asked DELGADO, "What are you planning to do?" DELGADO replied, "There is a little situation. [UM] already got the dude, but it's the wrong guy because it's his brother [brother of Victim A] of the one that we're trying to get." SALGADO said, "Call the guy's ass out." DELGADO responded, "All right, but we are already holding him [Victim A] down." SALGADO directed, "Don't let the guy [Victim A] go." In the background, DELGADO is heard telling another UM, "Don't let the guy go." SALGADO then stated, "Have they called anybody?" DELGADO said, "They did, but they are not cooperating." SALGADO said, "Break the phone they called [Victim A's family] with. I will come over there right now and make him [Victim A] talk. But take the dude [Victim A] to another location and let me know. Break the phone you called with, and move the dude to another location." DELGADO replied, "We have no place to put the nigga. Do you have any place to put him?" SALGADO said, "Give me two minutes, and I'll call back. Do you actually have the dude [Victim A] in the car?" DELGADO said, "Yes!" SALGADO said, "Fuck! I will call you right back."

48. Based on the above-intercepted telephone call, LEOs determined that SALGADO participated with DELGADO and others in a plot to kidnap Victim A and hold him for ransom. Among other things, as DELGADO held Victim A in a car, SALGADO instructed DELGADO not to let Victim A go while SALGADO considered what to do next.

49. On May 31, 2015, at approximately 9:40 p.m. (Session 4747), SALGADO, using the SALGADO Phone, had a phone conversation with DELGADO, who was using the DELGADO Phone. During the call, SALGADO and DELGADO discussed whether to continue to hold Victim A or release him. SALGADO asked, “What did they [UM] say when you called them?” DELGADO replied, “We called the uncle [Witness C], but we are now trying to get in contact with the brother [Victim A’s brother, the intended victim Witness B]. The brother called the police.” SALGADO said, “Let the guy [Victim A] loose because they [Victim A’s family] are going to call the Feds. We have 72 hours before the Feds are contacted.” DELGADO said, “It’s been 24 hours already.” SALGADO said, “Let the guy go, but beat the shit out of him.” DELGADO then handed the phone to an accomplice, OCTAVIO ALEJANDRE.¹⁴ SALGADO told ALEJANDRE, “We have to let the guy go.” ALEJANDRE said, “The guy we have [Victim A] is the little brother.”

¹⁴ The identification of OCTAVIO ALEJANDRE as the second caller is based upon the following. When Individual A was interviewed, LEOs played Session 4747 and asked if Individual A recognized any of the voices. After listening to the recording, Individual A, who knows ALEJANDRE personally, identified the second person speaking to SALGADO as ALEJANDRE.

SALGADO said, "If they have already gone to the police station, they would be given 72 hours before the Feds are called. When the Feds are called, whatever they do and whoever they [Victim A's family] contact is going to be tapped. So, let him the fuck go. Forget it! Drop that shit, nigga." In response, ALEJANDRE said, "The brother [Victim A's brother] is the one that called the police because he is the one we want to get [kidnap]. The owner of the problem [the narcotics supplier] doesn't know yet." SALGADO warned, "The owner of the problem will find out ... You should worry because you have 72 hours before the Feds get involved and whatever phone you [DELGADO and his accomplices] used to get in contact with those people [Victim A's family], the Feds will be already be involved with." ALEJANDRE said, "We were planning on going to the ranch [stash house] and throw the guy [Victim A] in a box." SALGADO replied, "You have to do that now." ALEJANDRE said, "We're on the way there now." SALGADO said, "Go there now because you have 72 hours." ALEJANDRE responded, "The owner of everything doesn't know that this dumb motherfucker got his brother kidnapped, and he is not telling him shit." Now addressing DELGADO, SALGADO said, "They are going to bring in the Feds right away." DELGADO said, "Should we let him go? We have no place to keep him. I've got until 4:00 in the morning to get with K [unidentified individual] and let the owner know that we have the dude's brother, and see what he thinks." SALGADO said, "Do what you need to do, put gas in the car and spin that dude wherever, go downtown and put him in a lot [possibly murder Victim A]."

DELGADO replied, "I know that, but I want to go to the ranch and throw this fucker [Victim A] in there." SALGADO responded, "That's fine, too. But make sure nothing is traceable... Beat the shit out of the guy tonight and cut him loose instead of coming back... Make this look as if this is a job from Mexico, and they'll know not to bullshit." DELGADO said, "That's why we need a car right away." SALGADO said, "Have someone steal the car. Put that fucker in the stolen car, and if push comes to shove, burn the fucking car. Make it work and beat the shit out of the dude and make him know that 'we come from down there [Mexico].'"

50. Based on the above-intercepted telephone call, LEOs determined that SALGADO discussed with DELGADO and ALEJANDRE whether to release Victim A or take him to another location while Federal law enforcement conducts the kidnapping investigation. Among other things, SALGADO warned DELGADO about Federal law enforcement and recommended that DELGADO should steal a car, restrain Victim A in the car and possibly kill him, and set the car on fire, in order to send a message to Victim A's brother that SALGADO, DELGADO, and ALEJANDRE mean business. In the meantime, DELGADO and ALEJANDRE were attempting to locate the stash house and recover the narcotics.

D. DELGADO'S Arrest on June 1, 2015

51. Location information for the DELGADO Phone indicated that on May 31, 2015 at approximately 9:39 p.m., the DELGADO Phone was on the move from

TKO Auto.¹⁵ Thereafter, the cellular telephone traveled to a rural area southeast of Chicago, near the Illinois/Indiana border. On June 1, 2015, at approximately 12:29 a.m., the DELGADO Phone returned to the vicinity of TKO Auto.

52. On June 1, 2015, at approximately 1:02 a.m., LEOs conducting surveillance in the vicinity of the reported GPS location of the DELGADO Phone observed three vehicles exiting from a large door in the alleyway behind TKO Auto. The first vehicle was a Chevrolet conversion van that was registered to ARMANDO DELGADO. The second vehicle was a white sedan. Illinois Secretary of State records indicated that OCTAVIO ALEJANDRE is the registered owner of a white 2003 BMW sedan.¹⁶ The third vehicle was a tan SUV.

53. Additional surveillance of DELGADO thereafter took place at DELGADO'S residence and continued until DELGADO left and went to his place of employment.

54. On June, 1, 2015, after obtaining DOJ approval through an emergency application, LEOs deployed a cell site simulator and located the DELGADO Phone, as it was being transported inside the Chevrolet van registered to DELGADO while the van stopped at DELGADO's place of employment.¹⁷

¹⁵ The location information for the DELGADO Phone was obtained pursuant to the May 27, 2015, warrant.

¹⁶ Individual A also reported that ALEJANDRE drove a BMW.

¹⁷ As discussed in Footnote 8, a subsequent warrant authorizing the deployment of pen registers and other devices to help identify the phone that DELGADO was using was approved on June 2, 2015.

55. LEOs subsequently arrested DELGADO at his place of employment, in connection with state kidnapping offenses. According to Berwyn Police, when DELGADO was arrested, he excitedly uttered words to the effect, “We grabbed the wrong brother and released him already.”

56. Additionally, at the time of DELGADO’s arrest, LEOs asked DELGADO about the telephone that was used to contact SALGADO during the intercepted calls in which SALGADO and DELGADO discussed the plot to kidnap Victim A and demand ransom. In response, DELGADO said that he had hidden that phone inside his place of employment. Before being taken into custody and charged, DELGADO retrieved a Kyocera cellular telephone from inside his workplace and gave it to officers. The cellular telephone DELGADO gave officers was, in fact, the DELGADO Phone, *i.e.*, the cellular telephone assigned telephone number (773) 413-4559 that was intercepted calling SALGADO over the SALGADO Phone before and during the kidnapping.

57. On June 1, 2015, as the above-described events were unfolding, Chicago police officers responded to a bus station in Chicago where Victim A was present. Victim A told police that he had been kidnapped and held. Victim A explained that he walked to the bus station after being released during the night.

58. Victim A was later interviewed in detail. Victim A said that he was kidnapped by two unknown individuals at gunpoint and forced into an SUV containing those individuals and two other accomplices. After being driven for some

time, Victim A was taken to an unknown location and held. Although blindfolded, Victim A could make out a lift used to raise automobiles and thus believed that the location was an auto garage. Moreover, as he was being held, Victim A heard the voices of additional individuals who were present. While being held, one of the kidnappers would push a gun into his body and threaten him. In addition, one of the kidnappers placed the blade of a knife on Victim A's hands and fingers and threatened to cut off his hands or fingers. At times during the kidnapping, Victim A also believed he was being held inside a large van.

E. The Search of DELGADO'S Phones

59. On June 3, 2015, the Berwyn Police obtained a state search warrant authorizing the search of cellular telephones that were seized from DELGADO at the time of arrest, including a Samsung phone and the DELGADO Phone. After examining the phones, LEOs determined the following.

i. Samsung Phone

60. In the contacts of DELGADO's Samsung phone, LEOs found the phone number for TKO Auto, which was also listed under the name "Shop." Also in the phone was another number associated with MUSA, according to Individual G, who provided the number when interviewed.

ii. The DELGADO Phone

61. When reviewing the DELGADO Phone, LEOs observed that the call log contained the following phone numbers:

- **The MUSA Phone.** The last call to this number was on May 31, 2015 at 11:10 p.m.
- **The ALEJANDRE Phone.** The last call to this number was on June 1, 2015 at 1:11 a.m.
- **The SALGADO Phone.** The last call to this number was on June 1, 2015 at 1:11 am. However, there were missed calls from this number on June 3, 2015 and June 4, 2015.

62. According to the call log of the DELGADO Phone, the telephone calls to SALGADO and ALEJANDRE were made during the time period that surveillance officers followed DELGADO's Chevrolet van on June 1, 2015.

IV. CONCLUSION

63. Based upon the foregoing, it is Your Affiant's belief that there is probable cause to believe that ANTONIO SALGADO, ARMANDO DELGADO, OCTAVIO ALEJANDRE, JR., JAIME GUTIERREZ, and MUNAF ABDULRAZAK MUSA did conspire with each other and with others known and unknown to knowingly and unlawfully seize, confine, kidnap, abduct, carry away, and hold for ransom another person, namely, Victim A, and to use means, facilities, and instrumentalities of interstate commerce in committing and in furtherance of the offense, in violation of Title 18, United States Code, Section 1201(a)(1) and (c).

FURTHER AFFIANT SAYETH NOT.

Tyler S. Kazee
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
on this ____ day of January, 2016.

The Honorable Michael T. Mason
United States Magistrate Judge