

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

LUIS MONTES, aka “Nene,” and
NICHOLAS PADIN, aka “Nick”

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.

Count One – Cocaine Conspiracy

From on or about February 3, 2015 to on or about February 9, 2015 at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, LUIS MONTES and NICHOLAS PADIN violated:

Code Section

21 U.S.C. § 846

Offense Description

conspiracy to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1)

Count Two – Cocaine Distribution

From on or about July 23, 2015 to on or about July 24, 2015, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, LUIS MONTES violated:

Code Section

21 U.S.C. § 841(a)(1)

Offense Description

knowingly and intentionally distributing a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

JACOB BLEDSOE
Special Agent, Drug Enforcement Administration
(DEA)

Sworn to before me and signed in my presence.

Date: March 22, 2016

Judge's signature

City and state: Chicago, Illinois

Jeffrey Cole, U.S. Magistrate Judge
Printed name and Title

AFFIDAVIT

I, Jacob Bledsoe, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Drug Enforcement Administration (“DEA”) and have been so employed since approximately January 2010. Prior to becoming a special agent with the DEA, I was a police officer with the Yorkville Police Department from April 2006 through January 2010.

2. I have received training and have experience in investigating violations of federal narcotics laws including, but not limited to, Title 21, United States Code, Sections 841, 843, and 846. I have been involved in various electronic surveillance methods, the debriefing of defendants, informants, and witnesses, as well as others who have knowledge of the distribution, transportation, storage, and importation of controlled substances. Some of the specialized training I have received includes, but is not limited to, classroom instruction concerning narcotics smuggling, money laundering, and conducting conspiracy and complex investigations. I have conducted and participated in investigations that have resulted in the seizure of controlled substances, including cocaine, marijuana, and heroin. I am familiar with, and have participated in the normal methods of investigation, including but not limited to, visual surveillance, questioning of witnesses, the use of search and arrest warrants, the use of consensually recorded calls, text messages and meetings, the management and use of informants, and pen

registers. I have also participated in numerous investigations involving court-authorized interceptions of wire and electronic communications (“Title III” or “wiretap” investigations), and have received specialized training in Title III investigations. I have participated in the analysis and targeting of telephone numbers used in furtherance of drug trafficking operations.

3. This affidavit is submitted in support of a criminal complaint alleging that the below-listed individuals violated narcotics laws, in violation of Title 21, United States Code, Sections 841 and 846. The information set forth in this affidavit is based on, among other things, my personal knowledge; information given to me by other DEA agents and other law enforcement agencies; my review of draft transcripts of court-authorized intercepted communications, reports, documents, and other evidence; and my training and experience. My descriptions of conversations in this affidavit are summaries based on my review of draft transcripts of the conversations, some of which have been translated from Spanish, my understanding of the context of the conversations, and my training, experience, and involvement in this investigation. Those descriptions are not based on final, verbatim transcripts, and the times listed for the conversations are approximate. Since this affidavit is offered for a limited purpose, I have not included a description of every topic discussed or every statement contained in the recorded conversations, and I have not included all of the facts known to me or other law enforcement agents about the investigation.

**FACTS SUPPORTING PROBABLE CAUSE
IN SUPPORT OF CRIMINAL COMPLAINTS**

Summary of the Investigation

4. As explained in more detail below, the DEA and CPD have been investigating narcotics-trafficking activities in the Chicago area. During the course of the investigation, law enforcement used a variety of investigative techniques to seize over 100 kilograms of cocaine, 9 kilograms of heroin, 14 firearms, and \$600,000 in narcotics proceeds.

5. During this investigation, Chief Judge Ruben Castillo and Acting Chief Judges in the Northern District of Illinois entered orders authorizing the interception of communications to and from: (1) Target Phone 1, a phone used by LUIS MONTES, aka “Nene”; (2) Target Phones 3 and 4, phones used by CW2; and (3) Target Phone 12, a phone used by NICHOLAS PADIN, aka “Nick”. Some of those intercepted communications are summarized below.

6. The following individuals are among those identified as part of this investigation, and discussed in greater detail below:

a. LUIS MONTES, aka “Nene,” supplied kilogram quantities of cocaine to wholesale customers. Montes was intercepted coordinating the delivery of two kilograms of cocaine, and law enforcement seized one kilogram of cocaine that he distributed. Information related to MONTES is contained in paragraphs 7 to 24.

b. NICHOLAS PADIN worked with LUIS MONTES to distribute cocaine. PADIN was intercepted coordinating the delivery of 1/8 of a kilogram of

cocaine with LUIS MONTES, and law enforcement seized 144 grams of cocaine that he distributed. Information related to PADIN is contained in paragraphs 7 to 16.

c. ISRAEL MARTINEZ, aka “Chino,” supplied kilogram quantities of cocaine to wholesale customers. MARTINEZ coordinated the delivery of two kilograms of cocaine to a cooperating witness, and law enforcement seized one kilogram of cocaine that he attempted to distribute. Information related to MARTINEZ is contained in paragraphs 25 to 40.

d. JUVENAL MARTINEZ, who is ISRAEL MARTINEZ’s father, attempted to deliver to a cooperating witness one kilogram of cocaine that was seized by law enforcement, in a transaction arranged by his son, ISRAEL MARTINEZ. Information related to JUVENAL MARTINEZ is contained in paragraphs 25 to 40.

NICHOLAS PADIN and LUIS MONTES Distribute 1/8 of a Kilogram of Cocaine to Individual A

7. In approximately February 2015, law enforcement began intercepting phone communications of an individual later identified as NICHOLAS PADIN, aka “Nick,”¹ pursuant to a court order. In various intercepted calls, PADIN can be heard speaking with LUIS MONTES, aka “Nene,”² or handing the phone to MONTES, to coordinate narcotics transactions.

¹ Law enforcement identified PADIN as the speaker based on (as described in detail below) surveillance of PADIN, in combination with intercepted phone calls referring to a location where PADIN was observed meeting with a narcotics customer.

² As discussed in the following footnote, law enforcement identified “Nene” as a nickname used by LUIS MONTES based on court authorized interception of MONTES’s phone.

8. For example, on February 3, 2015, at approximately 10:52 p.m. (Target Phone 12 session #68), PADIN answers the phone, “Hello. Nene?” The caller, an unknown narcotics associate responds, “That’s fine. Tell him that boricua wants two [quantity of narcotics].” PADIN then states, “Hold on, here.” The caller then states, “Nene!,” after which LUIS MONTES takes the phone.³ During the subsequent conversation, MONTES and the unknown caller discuss how much money the caller owes MONTES, at the end of which MONTES states: “Send it [money owed for narcotics] to me, then. Or send me everything and I’ll give you the rest tomorrow. . . . Send me the whole ounce, no problem.”

9. On other occasions, MONTES calls PADIN to direct him to pickup narcotics, such as on February 4, 2015, at approximately 8:26 p.m. (Target Phone 12 session #298). During the call, MONTES tells PADIN, “Get some more white [narcotics],” to which PADIN replies, “Alright.”

10. Similarly, on February 4, 2015, at approximately 8:28 p.m. (Target Phone 12 session #303), PADIN had a telephone conversation with MONTES, during which PADIN said, “[unintelligible] said a 4 and a baby [four and a half ounces of narcotics].” MONTES replied, “Alright, I’ll do that right now.”

Based on voice comparison, MONTES was identified as the user of that phone, on which numerous callers referred to MONTES as “Nene.”

³ Law enforcement is familiar with MONTES’s voice based on, among other things, speaking with MONTES. Specifically, on or about April 6, 2015, MONTES and an associate were stopped for a traffic infraction. The officer who initiated the traffic stop was wearing a concealed recording device and recorded the conversation with MONTES. The audio conversation was then compared with court-authorized Title III phone interceptions in which MONTES is listed as a speaker.

11. Based on these intercepted phone calls and surveillance, law enforcement was ultimately able to seize cocaine that MONTES and PADIN distributed on February 9, 2015, as described in the following paragraphs.

12. On or about February 9, 2015, at approximately 12:25 p.m. (Target Phone 12 session 1025), NICHOLAS PADIN had a telephone conversation with Individual B, an unknown narcotics associate of PADIN. PADIN asked, "Did you talk to Nene [LUIS MONTES], or no?" Individual B answered, "No, he is not picking up.... [W]e need that [cocaine] before 2:00, and if you could drop it off right there off the highway on Armitage." PADIN said, "Alright."

13. Approximately 12 minutes later (Target Phone 12 session 1028), PADIN had a telephone conversation with Individual B. PADIN asked, "Meet you off the highway on Armitage?" Individual B answered, "Yeah, he's going to meet the, uh, the other [person, Individual A], not me [would be picking up the cocaine].... And he got the money and everything too."

14. Approximately 19 minutes later (Target Phone 12 session 1036), PADIN had a telephone conversation with MONTES, who asked, "[H]e [Individual B] said yeah [ready to buy cocaine]?" PADIN answered, "He didn't call me yet, but he said he needs it by 2:00."

15. Approximately five minutes later (Target Phone 12 session 1038), PADIN had a telephone conversation with Individual B. Individual B said, "I know he [Individual A] is over there, but let me just call him and let him know first."

16. Approximately 39 minutes later (Target Phone 12 session 1050), PADIN had a telephone conversation with Individual B. PADIN said, "we're going to be heading that way already." Individual B said, "Alright, cool. Just call me when you're about to get off right there on Armitage.... And there's a gas station right there off the highway."

17. Approximately 46 minutes later (Target Phone 12 session 1070), PADIN had a telephone conversation with Individual B, who asked, "He [Individual A] still not there?" PADIN said, "No, not there. A car pulled up behind us but [unintelligible] like police." Individual B asked, "It's the police?" PADIN answered, "It looks like them, but it's not. I don't think so."

18. Later that day, at approximately 2:37 p.m., surveillance observed a man later identified as PADIN and another man arrive in a minivan at a gas station near the Kennedy Expressway and Armitage Avenue in Chicago. Law enforcement identified PADIN by comparing him to the man depicted in PADIN's driver's license photograph. Approximately three minutes later, the minivan left the gas station, following by a red Suzuki sports-utility vehicle. Less than a minute later, the minivan parked on the side of the road, and the Suzuki parked behind the minivan. A man later identified as Individual A then got out of the Suzuki, walked to the passenger side of the minivan, and, after a short period of time, walked back to the Suzuki carrying what appeared to be a brown, paper bag. The minivan and Suzuki then drove away.

19. Approximately three minutes later, law enforcement conducted a traffic stop on the Suzuki. Before the Suzuki stopped, law enforcement observed the driver and only occupant of the car, Individual A, throw something out of the Suzuki. Law enforcement found in the area where Individual A threw the object a brown paper bag, containing a clear plastic bag, inside of which was a white, chunky, powdery substance that weighed approximately 144 grams and field-tested positive for the presence of cocaine.

20. Later that day, at approximately 3:20 p.m. (Target Phone 12 session 1091), PADIN had a telephone conversation with Individual B, who asked, "Hey, when you guys [PADIN] gave it [cocaine] to him [Individual A], was it all in one or were they like ounces?" PADIN answered, "All in one." Individual B said, "I've been calling him, and he is not picking up."

21. Thirty-five minutes later, at approximately 3:55 p.m. (Target Phone 12 session 1099), PADIN had a telephone conversation with Individual B, who said, "Man, dude, you are fucking stupid, bro'. You all, the narcs [narcotics law enforcement officers] were following you guys." PADIN asked, "How do you know?" Individual B said, "Because they grabbed that [person, Individual A]. They were watching you guys the whole time, and they grabbed this [person] right after.... [A]fter he left the gas station, they grabbed him. They pulled him over.... He had to throw it [cocaine obtained from PADIN] away."

LUIS MONTES Coordinates a 2-Kilogram Cocaine Transaction

22. On or about July 23, 2015, at approximately 2:50 p.m. (Target Phone 4 session # 1780), LUIS MONTES had a telephone conversation with CW2.⁴ MONTES said, “[T]his young guy, Chaparro, told me that he wants it [cocaine] but ... he wants to do it one by one [one kilogram of cocaine at a time]. The dude is scared.” CW2 responded, “[T]ell him I have one today.” MONTES replied, “Okay, I’m going to call him now. I’ll call you right back.”

23. The following day, July 24, 2015, at approximately 3:53 p.m. (Target Phone 4, session #2106), MONTES had a telephone conversation with CW2, during which they discussed a transaction for two kilograms of cocaine. MONTES asked, “Are you good yet [did CW2 have the money to pay for cocaine]?” CW2 replied, “No.” MONTES replied, “This guy called. He [MONTES’s cocaine supplier] said he has pretty ones [high-quality cocaine] now.” CW2 replied, “Five?” MONTES replied, “Huh?” CW2 replied, “At five [price for the cocaine]?” MONTES replied, “Yes, the same [price], dude.” CW2 replied, “Give me two [kilograms of cocaine]. Tell him two.” MONTES said, “Let me call him then so he can come with them.”

24. Later that day, at approximately 5:00 p.m. (Target Phone 4 session #2160), MONTES had a telephone conversation with CW2. CW2 asked, “Is he [MONTES’s cocaine supplier] already there?” MONTES answered, “The guy told me he is about to arrive.” CW2 replied, “Alright, I’ll be right now, 10 minutes.”

⁴ According to a law enforcement database, CW2 has been convicted of a felony drug offense and a felony weapon offense. CW2 is cooperating with the hope that CW2 will receive a benefit. No promises have been given to CW2 regarding what, if any, benefit CW2 will receive in return for CW2’s cooperation.

25. Later that day, at approximately 6:15 p.m. (Target Phone 4 session 2213), MONTES had a telephone conversation with CW2. MONTES said, "That's all set. Everything is fine. I see it complete [MONTES was ready to sell the cocaine]." CW2 replied, "Alright, alright."

26. Nine minutes later, at approximately 6:24 p.m., surveillance observed CW2 arrive at MONTES's residence, located on the 2400 block of West 25th Street in Chicago. Law enforcement determined this to be MONTES's residence based on, among other factors, (1) Chicago Police Department arrest reports for LUIS MONTES listing that address; and (2) surveillance of MONTES at that location on numerous occasions. Surveillance saw CW2 exit his/her vehicle empty-handed and enter MONTES's residence.

27. Approximately three minutes later, surveillance observed CW2 depart MONTES's residence carrying a white, plastic bag which he/she placed in the trunk of his/her vehicle before departing the area.

28. Twenty-one minutes later, at approximately 6:48 p.m., law enforcement stopped CW2 in his/her vehicle. Shortly afterward, a narcotics-detecting dog alerted to the scent of narcotics in CW2's vehicle. Agents then searched the vehicle and recovered a white, plastic bag from the trunk of the vehicle, which appeared to be the same bag CW2 carried out of MONTES's residence. The white, plastic bag contained a clear gallon Ziploc bag, inside of which was approximately 992 grams of a white, chunky substance that tested

positive (by the DEA laboratory) for the presence of cocaine. CW2 agreed to cooperate.

29. According to CW2, CW2 has purchased kilogram quantities of cocaine from MONTES on several previous occasions.

ISRAEL and JUVENAL MARTINEZ Distribute Cocaine to CW2

30. According to CW2, CW2 had previously received two kilograms of cocaine from someone later identified as ISRAEL MARTINEZ, whom CW2 knew as ISRAEL, with the nickname “Chino.” CW2 informed law enforcement that CW2 has known ISRAEL MARTINEZ for approximately two years and has conducted numerous cocaine transactions with him.

31. On or about August 5, 2015, CW2 had a consensually recorded telephone conversation with ISRAEL MARTINEZ.⁵ CW2 asked, “Can I get up with you tomorrow [to obtain cocaine]?” ISRAEL MARTINEZ responded, “Yeah, for sure.” CW2 replied, “It’s not no fucking, not that bullshit [poor-quality cocaine] like last time?” ISRAEL MARTINEZ answered, “[I]t wasn’t bullshit.... I got a couple [kilograms of cocaine] on the side for you.” CW2 asked, “What time?” ISRAEL MARTINEZ said, “I’ll call you in a little bit.”

32. Later that day, at approximately 2:31 p.m., CW2 had a consensually recorded telephone conversation with ISRAEL MARTINEZ. CW2 asked, “What you

⁵ CW2 placed this call to the telephone number of the person he/she knew as “Israel,” with the nickname “Chino.” He/she recognized the voice of the person on these calls as “Chino.” Law enforcement subsequently identified this individual as ISRAEL MARTINEZ based on CW2 positively identifying the driver’s license photo of ISRAEL MARTINEZ as the individual CW2 knew as “Chino.”

gonna want, 35 [\$35,000]?” ISRAEL MARTINEZ answered, “I gotta see.” Based on my training and experience, I know that \$35,000 is consistent with the then-current market price for a kilogram of cocaine in the Chicago area.

33. On or about August 10, 2015, CW2 had a consensually recorded telephone conversation with ISRAEL MARTINEZ. ISRAEL MARTINEZ said, “Got you [ISRAEL MARTINEZ was ready to provide CW2 with cocaine].... Tomorrow.” CW2 asked, “You gonna be able to get me two [kilograms of cocaine]?” ISRAEL MARTINEZ answered, “Yeah.”

34. The next day, on or about August 11, 2015, at approximately 8:29 p.m., CW2 received a text message from ISRAEL MARTINEZ. The text message said, “Tomorrow got u AM!! [ISRAEL MARTINEZ could provide CW2 with cocaine the following morning].”

35. The following day, on August 12, 2015, at approximately 9:51 a.m., CW2 received a text message from ISRAEL MARTINEZ that stated, “Got it already [the cocaine for CW2]...I’m just busy till 2.”

36. Later that day, CW2 informed law enforcement that ISRAEL MARTINEZ had contacted CW2 during an unrecorded call and said he would deliver the two kilograms of cocaine the next morning, August 13, 2015.

37. The next day, on or about August 13, 2015, at approximately 8:58 a.m., CW2 informed law enforcement that CW2 had an unrecorded telephone conversation with ISRAEL MARTINEZ, during which ISRAEL MARTINEZ asked if CW2 had the money to purchase the two kilograms of cocaine. CW2 told ISRAEL

MARTINEZ that CW2 had to get the money for the kilograms of cocaine and would call ISRAEL MARTINEZ back once CW2 had the money.

38. Approximately 37 minutes later that morning, CW2 had a consensually recorded telephone conversation with ISRAEL MARTINEZ. CW2 said, "I'm going to go pick that [money] up [to purchase cocaine from ISRAEL MARTINEZ]. So how long that going to take?" ISRAEL MARTINEZ said, "I need an hour."

39. About an hour later, at approximately 10:41 a.m., CW2 received a text message from ISRAEL MARTINEZ that said, "Omw [on my way to deliver cocaine to CW2] ..30min."

40. Forty minutes later, at approximately 11:20 a.m., surveillance observed a silver Dodge Charger park behind CW2's residence. According to CW2, in a later unrecorded call, ISRAEL MARTINEZ said that his father, later identified as JUVENAL MARTINEZ, was in a Dodge Charger behind CW2's residence.

41. Five minutes later, at approximately 11:25 a.m., surveillance observed the Dodge Charger depart the area behind CW2's residence. Law enforcement subsequently conducted a traffic stop of the Dodge Charger after observing a traffic violation. The driver of the vehicle was JUVENAL MARTINEZ.⁶ During the traffic stop, law enforcement found on the floor behind the passenger seat inside the Dodge Charger a plastic bag containing a brick-shaped object that weighed approximately 985 grams and tested positive (by the DEA laboratory) for the presence of cocaine.

⁶ During this traffic stop, law enforcement identified JUVENAL MARTINEZ through a Mexican Identification card.

JUVENAL MARTINEZ was subsequently released to preserve the integrity of the investigation.

42. About forty minutes later, at approximately 12:07 p.m., CW2 had a consensually recorded telephone conversation with ISRAEL MARTINEZ. CW2 asked, "Is he [JUVENAL MARTINEZ] going to come back?" ISRAEL MARTINEZ answered, "Let me see where he's at."

43. Approximately three minutes later, CW2 had another consensually recorded conversation with ISRAEL MARTINEZ, who asked, "[Y]ou didn't see nothing [law enforcement] around there?" CW2 answered, "No, why?" ISRAEL MARTINEZ answered, "Because I have been calling him. Right after I hang up, he was screaming at me, so I hang up on him." ISRAEL MARTINEZ further stated that he attempted to call his father back numerous times, but his father was not answering.

44. At approximately the same time, during the traffic stop of JUVENAL MARTINEZ, law enforcement officers observed JUVENAL MARTINEZ's cell phone (which was sitting in the car's cup holder) ringing numerous times. On the screen on the outside of the phone, officers observed the word "Isra" appear on the screen when the phone rang.

45. According to CW2, CW2 purchased kilogram quantities of cocaine from ISRAEL MARTINEZ on previous occasions. During several of those prior purchases, CW2 stated that when ISRAEL MARTINEZ arrived to the narcotics transaction, JUVENAL MARTINEZ was present in the car with his son ISRAEL,

and would have seen the narcotics transactions between CW2 and ISRAEL MARTINEZ occurring.

Conclusion

46. Based on the above information, I respectfully submit that there is probable cause to believe that the above-listed individuals committed the corresponding narcotics offenses.

FURTHER AFFIANT SAYETH NOT.

JACOB BLEDSOE
Special Agent
Drug Enforcement Administration

SUBSCRIBED AND SWORN
to before me on March 22, 2016.

JEFFREY COLE
United States Magistrate Judge