AO 91 (Rev. 11/11) Criminal Complaint

AUSA Vikas Didwania (312) 353-0517

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
DEC 12 2016
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

OSCAR ROGELIO-GUERRERO and
RODOLFO AGUIRRE

CASE NUMBER: 16CR 802

CRIMINAL COMPLAINT MAGISTRATE JUDGE SCHENKIER

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

On or about December 10, 2016 at Chicago, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

Code Section	*Offense Description*
Title 21, United States Code, Section 846	conspiracy to possess with intent to distribute and distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation Title 21, United States Code, Section 841(a)(1)

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

MICHAEL OPPEGARD
Task Force Officer, Drug Enforcement Administration (DEA)

Sworn to before me and signed in my presence.

Date: December 12, 2016

Judge's signature

City and state: Chicago, Illinois

SUSAN E. COX, U.S. Magistrate Judge
Printed name and Title

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, MICHAEL OPPEGARD, being duly sworn, state as follows:

1. I am a Task Force Officer with the Drug Enforcement Administration, and have been so employed approximately three months. I have been a police officer with the City of Des Plaines for approximately ten years. My current responsibilities include the investigation of narcotics trafficking offenses.

2. This affidavit is submitted in support of a criminal complaint alleging that OSCAR ROGELIO-GUERRERO and RODOLFO AGUIRRE have violated Title 21, United States Code, Section 846 by conspiring to possess with intent to distribute and distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation Title 21, United States Code, Section 841(a)(1).

3. The statements in this affidavit are based on my personal knowledge, and on information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts, including a DEA agent acting in an undercover capacity. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging ROGELIO-GUERRERO and AGUIRRE with conspiring to distribute a controlled substance, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to

establish probable cause to believe that the defendants committed the offense alleged in the complaint.

4. On or about December 9 and December 10, 2016, an agent with the DEA working in an undercover capacity ("UC") communicated by phone with a man who identified himself only as "Tijuas" about the possibility of the UC purchasing kilograms of cocaine from an unknown source.

5. On December 9, 2016, at approximately 9:03 p.m., the UC received a consensually recorded call from Tijuas, who was using a Mexican phone number.[1] Tijuas stated that the source with the kilograms of cocaine would arrive in Chicago on December 10. Tijuas asked the UC what phone number he should give the source for the UC so the source could deliver the "Fracturas." According to the UC, "Fracturas" translates to "pieces" and is a reference to kilogram bricks of narcotics. The UC advised Tijuas to give the source the phone number he was currently using with Tijuas. Tijuas stated that there are 20 "Fracturas" coming from the unknown source and that Tijuas told the source to set aside 10 for the UC. Tijuas advised the UC that the price for the cocaine was $29,750 per kilogram and to give the source $28,500 per kilogram. Tijuas instructed the UC to set aside the difference ($1,250 per kilogram) for Tijuas

[1] The calls between the UC and those involved in this transaction were recorded but are in Spanish. I have not reviewed the recordings, and the information about these calls is based on information provided to me by the UC. In addition, the summaries of conversations contained in this affidavit may not represent the entire conversation that occurred between the identified individuals. My understanding and/or interpretation of these conversations is based on information received from law enforcement personnel, my knowledge derived from this investigation, and my experience and familiarity with narcotics trafficking.

6. At approximately 9:26 a.m., the UC received a consensually recorded call from an unknown male (UM), who stated that he was calling on behalf of Tijuas. The UM asked the UC if the UC knew "how many" (kilograms of cocaine), and the UC replied he was told "10" (kilograms). The UM advised the UC that it was in fact "7" (kilograms) and asked if the UC knew how much to pay. The UC advised him that the UC was told "28 and one-half" ($28,500 per kilogram). The UM stated it was a total of "7" (kilograms) and to have the "papers" ready (the money).

7. At approximately 10:01 a.m., the UC received a consensually recorded call from the UM who stated that he passed the UC's number to his cousin, who is in charge of this transaction, and that he would call and say "el Guerro departe del Moy" (Guerro calling on behalf of Moy).

8. At approximately 10:41 a.m., the UC received a consensually recorded call from a second unknown male (UM2), later identified as RODOLFO AGUIRRE after his arrest.[2] AGUIRRE stated that he was Guerro and that he would be ready in about two hours. AGUIRRE stated that he would send the UC an address for the transaction as soon as they were ready.

9. At approximately 1:14 p.m., the UC placed a consensually recorded call to AGUIRRE and asked if he had sent the address because the UC did not receive it. AGUIRRE said the address was 1522 W. Lawrence Avenue.

---

[2] According to the UC, based on the UC's personal observations, the voice of the individual on the phone matches the voice of the individual arrested and identified as AGUIRRE.

10. At approximately 2:11 p.m., the UC received a consensually recorded call from AGUIRRE who stated that he was told the UC was a person to be trusted. Therefore, though the transaction originally was going to take place in the garage, the UC instead could come up to the room so they could also count the money.

11. At approximately 2:29 p.m., the UC placed a consensually recorded call to AGUIRRE who advised that he was staying at the Guest House Hotel, located at Clark Street and Lawrence Avenue, in Chicago.

12. At approximately 2:51 p.m., the UC received a consensually recorded call from AGUIRRE. The UC advised him that the UC was outside. AGUIRRE told the UC to park in front of the hotel. The UC advised AGUIRRE to come downstairs and the UC would pick him up out front.

13. At approximately 2:55 p.m., the UC placed a consensually recorded call to AGUIRRE. The person on the phone was a different voice from the previous calls to this number. The UC advised the male, later identified as Oscar ROGELIO-GUERRERO after his arrest, that the UC was outside the hotel by a red truck.[3] ROGELIO-GUERRERO instructed the UC to park in front of hotel.

14. The UC observed ROGELIO-GUERRERO standing in front of the hotel, as the UC parked the undercover vehicle (UCV). The UC signaled to ROGELIO-GUERRERO, and he proceeded to walk over to the UCV. ROGELIO-GUERRERO walked over and got into the UCV. The UC confirmed with ROGELIO-

[3] According to the UC, based on the UC's personal observations, the voice of the individual on the phone matches the voice of the individual arrested and identified as ROGELIO-GUERRERO.

GUERRERO that the UC was picking up "7" (kilograms) at "28-5" ($28,500 per). ROGELIO-GUERRERO stated that he did not know and would have to ask his cousin. ROGELIO-GUERRERO told the UC to come upstairs so he could see "them" (the kilogram bricks of cocaine). The UC asked if they could bring it down so that the UC could see them and ROGELIO-GUERRERO stated that he would have to go ask his cousin. ROGELIO-GUERRERO exited the UCV and returned to the hotel.

15. At approximately 3:18 p.m., the UC placed a consensually recorded call to AGUIRRE and advised that if they could bring "it" down (the narcotics), the UC would sit with the courier while the UC inspected them. The UC further stated that he could send his partner upstairs with the money so they could count it. AGUIRRE stated that he would leave the packages in the trunk and for the UC to leave the "papers" in the trunk. That way no one had to see each other.

16. The UC and surveillance units observed ROGELIO-GUERRERO walk out of the hotel and to the UCV. ROGELIO-GUERRERO went into the UCV and handed the UC a hotel map of the parking lot that was located behind the building. ROGELIO-GUERRERO instructed the UC to go behind the hotel to a car located in the parking spot labeled "P1" and that the car and trunk would be open. ROGELIO-GUERRERO further instructed the UC to place the bag (containing the money) in the trunk and retrieve the other bag (containing cocaine). The UC and surveillance units observed ROGELIO-GUERRERO then exit the UCV and return to the hotel. According to the UC, the UC then drove to the rear of the building where the UC observed a Dodge Charger with Texas registration FTG0427 parked

inside in location "P1." The UC opened the trunk of the vehicle and observed a bag in the vehicle's trunk containing 7 brick-like objects that appeared to be cocaine. The UC retrieved the bag and replaced it with a bag with sham cash. The UC then drove out of the area. The recovered substance field-tested positive for the probable presence of cocaine. Based on my experience as a narcotics investigator dealing with narcotics packaged in kilogram amounts, the seven bricks containing suspected cocaine each had the shape, weight and feel of a kilogram quantity of cocaine. Therefore I believe the suspect cocaine in total weighed approximately 7,000 grams.

17. Shortly thereafter, law enforcement agents observed ROGELIO-GUERRERO exit the hotel and approach the vehicle. As ROGELIO-GUERRERO approached the trunk of the vehicle, agents took him into custody.

18. Law enforcement agents spoke to Guest House Hotel staff who informed them that AGUIRRE was staying in room 404 and granted them access to the room at which point AGUIRRE was taken into custody.

19. ROGELIO-GUERRERO was read his Miranda rights in English which he stated that he understood. ROGELIO-GUERRERO then signed a Miranda waiver form and agreed to speak to law enforcement. ROGELIO-GUERRERO stated, in English, that he put the bag of cocaine in the trunk of the car and was about to get a bag of money out of the car.

20. Based on the foregoing, I believe there is probable cause to believe that ROGELIO-GUERRERO and AGUIRRE have violated Title 21, United States Code,

Section 846 by conspiring to possess with intent to distribute and distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation Title 21, United States Code, Section 841(a)(1).

.

FURTHER AFFIANT SAYETH NOT.

MICHAEL OPPEGARD
Task Force Officer, Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on December 12, 2016.

SUSAN E. COX
United States Magistrate Judge