

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

NAKIA MCCLINIC, a/k/a "Slaw," and  
DESHAWN MOORE

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**

On or about November 29, 2017, at Chicago, in the Northern District of Illinois, Eastern Division, defendant NAKIA MCCLINIC violated:

*Code Section*

Title 21, United States Code, Section  
841(a)(1)

*Offense Description*

did knowingly and intentionally possess with intent to distribute a controlled substance, namely, a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, and fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), a Schedule II Controlled Substance

**Count Two**

On or about November 29, 2017, at Chicago, in the Northern District of Illinois, Eastern Division, defendant DESHAWN MOORE violated:

*Code Section*

Title 21, United States Code,  
Sections 846 and 841(a)(1)

*Offense Description*

did attempt to knowingly and intentionally possess with intent to distribute a controlled substance, namely, a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, and fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), a Schedule II Controlled Substance

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

\_\_\_\_\_  
ANGEL AMADOR  
Task Force Officer,  
Drug Enforcement Administration (DEA)

Sworn to before me and signed in my presence.

Date: June 11, 2018

\_\_\_\_\_  
*Judge's signature*

City and state: Chicago, Illinois

DANIEL G. MARTIN, U.S. Magistrate Judge  
*Printed name and Title*

**AFFIDAVIT**

I, ANGEL AMADOR, being duly sworn, state as follows:

1. I am a Task Force Officer with the Drug Enforcement Administration (“DEA”) and have been so employed since approximately March 2015. My current responsibilities include the investigation of narcotics trafficking offenses.

2. This affidavit is submitted in support of a criminal complaint alleging that NAKIA MCCLINIC, a/k/a “Slaw,” has violated Title 21, United States Code, Section 841(a)(1) (possession of a controlled substance with intent to distribute), and DESHAWN MOORE has violated Title 21, United States Code, Section 846 (attempted possession of a controlled substance with intent to distribute). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, 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 defendants committed the offenses alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, and my training and experience in narcotics investigations.

## Overview

4. As set forth in greater detail below, on November 28 and 29, 2017, pursuant to court authorization, law enforcement intercepted several telephone calls in which MCCLINIC agreed to deliver approximately 20 grams of narcotics to Individual A, who had received a narcotics order from DESHAWN MOORE. In a conversation with MOORE on or about November 29, 2017, Individual A stated that he/she was heading to meet MCCLINIC.

5. Law enforcement subsequently established surveillance on the 1300 block of South Union Avenue and observed MCCLINIC arrive in that area in anticipation of his meeting with Individual A. As law enforcement approached MCCLINIC's vehicle to conduct an investigative interview, MCCLINIC drove away. While following MCCLINIC's vehicle, surveillance observed an object tossed from the driver's window.

6. As two officers conducted a traffic stop of MCCLINIC, who was the sole occupant of the vehicle, another officer searched the route MCCLINIC's vehicle had just traveled and recovered two clear plastic bags that contained approximately 20.2 grams of a dark chunky substance that lab-tested positive for the presence of heroin, a Schedule I Controlled Substance, and fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide), a Schedule II Controlled Substance.

7. After law enforcement concluded the traffic stop of MCCLINIC and released him without charges, MCCLINIC made several telephone calls to Individual A in which MCCLINIC described what had just happened. Among other

things, MCCLINIC said, “I just tossed, threw that, slung it [the narcotics that law enforcement had recovered].”<sup>1</sup> Surveillance subsequently observed MOORE standing watch as Individual A seared the area where MCCLINIC said he tossed the narcotics.

### **Facts Establishing Probable Cause**

8. On or about November 8, 2017, the Circuit Court of Cook County, Illinois, issued an order authorizing the renewed interception of wire and electronic communications to and from the telephone number 312-868-8255 (“Subject Phone 1”), used by Individual A.<sup>2</sup> The interception of Subject Phone 1 terminated on or about December 7, 2017, and was not renewed.

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<sup>1</sup> At various points in this Affidavit, I have provided my interpretations of certain conversations in brackets and otherwise. My interpretations are based on my knowledge of the investigation to date, the contents and context of the conversations, prior and subsequent conversations, the results of physical surveillance, conversations with other agents, and my experience and familiarity with narcotics trafficking organizations generally. In addition, the summaries of conversations in this Affidavit do not necessarily include references to all topics covered during the conversation or all statements made by the speakers on the topics that are mentioned in this Affidavit.

<sup>2</sup> The identification of Individual A in this Affidavit is based, in part, on the following. In May 2017, surveillance identified Individual A based on a positive comparison to one of Individual A’s known booking photos. On or about June 6, 2017, law enforcement used a pole camera to conduct surveillance and observed Individual A sitting on the front porch of a residence on the 4700 block of West Maypole Avenue in Chicago with a cellular phone in his/her hand. During that surveillance, at approximately 5:27 pm, officers placed a covert phone call to Subject Phone 1 and observed Individual A answer and heard him/her speak into the phone. At approximately 5:28 pm, officers placed a second covert call to Subject Phone 1 and again observed Individual A answer the phone. Agents familiar with Individual A’s voice based on the covert calls described above recognized Individual A as the person who used Subject Phone 1 on the dates and times listed in this Affidavit. According to police reports, Individual A was murdered on or about January 31, 2018.

9. On or about November 22, 2017, at approximately 5:09 pm (Call 91168), Individual A, using Subject Phone 1, received a call from DESHAWN MOORE,<sup>3</sup> using the telephone number 312-709-1652 (“Subject Phone 2”).<sup>4</sup> MOORE said, “I’m trying to grab 20 grams [or narcotics].” Individual A responded, “Hello?” MOORE replied, “Yeah, I said I’m trying to grab a dub [20 grams].” Individual A responded, “Hold on. I’m finna call him [MCCLINIC] on the other line.” MOORE responded, “Man, I’m a call you back in five minutes, bro. I know you, you be fucking around.”

10. At approximately 5:10 pm (Call 91170), Individual A, using Subject Phone 1, called NAKIA MCCLINIC, using the telephone number 312-661-2600

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<sup>3</sup> MOORE has been charged by complaint in a separate case (18 CR 353) with distribution of heroin and heroin/fentanyl mixtures to an undercover officer on approximately five occasions between September 2017 and January 2018.

<sup>4</sup> The identification of MOORE’s voice in this Affidavit is based, in part, on the following. During an in person meeting with an undercover officer (“the UC”) on or about September 21, 2017, MOORE stated that his telephone number was (312) 709-1652 (Subject Phone 2). Following that initial encounter, the UC met with MOORE approximately five times between September 2017 and January 2018. Approximately four of those meetings were audio and video recorded. Agents have compared the voice heard during the intercepted calls between Individual A and the telephone number (312) 709-1652 on the dates and times listed in this Affidavit with the voice heard during the UC’s recorded, in person meetings with MOORE and determined that they were the same voice.

(“Subject Phone 3”).<sup>5</sup> Individual A asked whether MCCLINIC could do a “dub [20 grams of narcotics].” MCCLINIC responded, “Yeah. Let me call my cousin and see where he’s at.” Individual A replied, “Call me right back. Let me know.”

11. The following day, on or about November 23, 2017, at approximately 1:34 pm (Call 91524), Individual A, using Subject Phone 1, received a call from MCCLINIC, using Subject Phone 3. MCCLINIC said, “My bad. That shit just slipped my mind yesterday, bro.” Individual A responded, “It was my homie [MOORE] trying to do something. He probably, he probably cool now.” MCCLINIC replied, “Okay. Damn, it slipped my mind, Joe. Cuz guess what? I just went in my motherfucking coat pocket. And I’m like, ‘Damn. What the fuck?’ Cuz I had been drinking when you called. I’m like, ‘Damn, bro called me for this dub [20 grams of narcotics], bro.” At the end of the call, MCCLINIC said, “Just let me know,” apparently asking

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<sup>5</sup> The identification of MCCLINIC’s voice in this Affidavit is based, in part, on the following. On or about August 9, 2017, law enforcement intercepted several calls between Individual A, using Subject Phone 1, and the telephone number (708) 735-4288 (“MCCLINIC Phone 1”), in which the parties discussed meeting in the vicinity of Cermak Road and Halsted Street in Chicago. Law enforcement established surveillance in that area. At approximately 2:58 pm, surveillance observed Individual A and the person later identified as MCCLINIC, driving a Lincoln MKS bearing Illinois license plate 98282PV (“MCCLINIC Vehicle 1”), meet in the back parking lot of 2201 South Halsted Street. During that surveillance, officers placed a covert phone call to MCCLINIC Phone 1 and observed the driver of MCCLINIC Vehicle 1 answer the phone and heard him speak into the phone. Surveillance followed MCCLINIC Vehicle 1 from the meeting. At approximately 3:37 pm, officers initiated a traffic stop based on MCCLINIC Vehicle 1’s failure to use a turn signal. The driver of MCCLINIC Vehicle 1 identified himself as MCCLINIC and produced an Illinois driver’s license in the name “Nakia O. McClinic.” Agents familiar with MCCLINIC’s voice based on the covert call and traffic stop described above recognized MCCLINIC as the person who used Subject Phone 3 on the dates and times listed in this Affidavit. Subject Phone 3 is operated on the Sprint Mobile network with no subscriber information available.

Individual A to call back if Individual A's customer (MOORE) still wanted a "dub [20 grams]."

12. On or about November 27, 2017, at approximately 5:10 pm (Call 95016), Individual A, using Subject Phone 1, had a telephone conversation with MCCLINIC, using Subject Phone 3. Individual A asked, "Did you get back right?" MCCLINIC answered, "Yeah...my cousin still got some [narcotics]." Individual A said, "Okay. My homie [MOORE] want some. I'm a see how much he want." MCCLINIC responded, "Okay, let me know. I can get it from him [MCCLINIC's cousin]."

13. On or about November 28, 2017, at approximately 1:48 pm (Call 95429), Individual A, using Subject Phone 1, had a telephone conversation with MOORE, using Subject Phone 2. This was the first intercepted call between Individual A and MOORE since the November 23 call (described above) in which MOORE said he wanted to "grab 20 grams." In this call, Individual A asked, "You still, you trying to get some T [narcotics]?" MOORE responded, "Hell, yeah." Individual A asked, "How many?" MOORE replied, "I need a saw buck [10 grams]. I was gonna grab a dub [20 grams]. But I just gonna grab a saw buck [10 grams] to check it out." Individual A responded, "Alright, that cool because I called for a saw buck earlier. That motherfucker [MCCLINIC] still ain't called me back. He gonna call me for this dub." At the end of the call, Individual A added, "I'm fittin to call this nigger [MCCLINIC] right now."

14. At approximately 1:49 pm (Call 95432), Individual A, using Subject Phone 1, had a telephone conversation with MCCLINIC, using Subject Phone 3.



MCCLINIC said, "I can come to you as soon as I get through gettin these bricks [of narcotics] done." Individual A responded, "Alright, like, look, make it a dub, but make it like ten and ten [Individual A asked MCCLINIC to separate 20 grams of narcotics into two packages of 10 grams each]. Cuz this other nigga [MOORE], I don't know if he..." MCCLINIC replied, "Okay, separate it. Alright." At approximately 1:51 pm (Call 95434), Individual A, using Subject Phone 1, had another telephone conversation with MCCLINIC, using Subject Phone 3. Apparently referring to his "cousin," MCCLINIC said, "He say, ah, wait for them kids to get out of school. So if I get done first or he get done first, one of us is gonna come to you."

15. At approximately 7:59 pm (Call 95634), Individual A, using Subject Phone 1, had a telephone conversation with MOORE, using Subject Phone 2. MOORE asked, "What's the homie talking about? He ain't be on point [MOORE wanted to know why Individual A's supplier (MCCLINIC) wasn't ready to proceed with the narcotics transaction]?" Individual A responded, "He be bullshitting. You know, moving when he want to move [MCCLINIC was distributing narcotics according to his own schedule]."

16. On or about November 29, 2017, at approximately 9:04 am (Call 95768), Individual A, using Subject Phone 1, received an incoming text message from MCCLINIC, using Subject Phone 3, that read, "Call me up if you still need that [MCCLINIC was checking to see if Individual A still wanted to purchase narcotics]." At approximately 10:24 am (Call 95898), Individual A, using Subject Phone 1, called MCCLINIC, using Subject Phone 3. Individual A said, "Yeah, I still need it."

MCCLINIC responded, "Okay, yeah, dude [MCCLINIC's "cousin"] had got finished late as hell." MCCLINIC asked, "You ready now or when you wanna do it?" Individual A responded, "Shit, waiting on my homie [MOORE]. Just called me so I didn't grab his tester [a narcotics user to "test" the product]." MCCLINIC replied, "Alright. Call me once you do that then. I can get, I'll get it traffic [MCCLINIC would arrange to have the narcotics delivered to Individual A]."

17. At approximately 10:25 am (Call 95904), Individual A, using Subject Phone 1, had a telephone conversation with MOORE, using Subject Phone 2. After MOORE stated that he was in the vicinity of Damen Avenue and Jackson Boulevard, Individual A asked, "Where you wanna meet?" MOORE responded, "Shit, don't matter. Shit. Anywhere." Individual A replied, "I'm coming back that way." MOORE responded, in part, "Nigga, I'm on point [MOORE was ready to meet with Individual A to conduct the narcotics transaction they had been discussing]." Individual A replied, "I'm fittin to get it right now."

18. At approximately 10:26 am (Call 95906), Individual A, using Subject Phone 2, had a telephone conversation with MCCLINIC, using Subject Phone 3. Individual A said, "Shit, come on [Individual A was ready to meet with MCCLINIC to obtain narcotics that Individual A intended to deliver to MOORE]." MCCLINIC responded, in part, "I'll call you when I'm getting close [to the meeting spot]." At approximately 10:31 am (Call 95914), Individual A, using Subject Phone 2, had a telephone conversation with MCCLINIC, using Subject Phone 3. Individual A asked,

“Hey, you did how I ask you to?” MCCLINIC responded, “Yeah, separate it [into separate amounts of 10 grams each].”

19. At approximately 11:44 am (Call 96012), Individual A, using Subject Phone 1, had a telephone conversation with MOORE, using Subject Phone 2. MOORE said he was near California Avenue and Lake Street. Individual A responded, “Meet me back, uh, Cali and 290. You can just hop in the car with me and we go meet him [MCCLINIC]. Got to meet him by Jew town.”<sup>6</sup> Later in the call, MOORE said, “You’re gonna have to pull up on me right here.” Individual A said, “I’m on my way.” At approximately 11:55 am (Call 96047), Individual A, using Subject Phone 1, had another telephone conversation with MOORE, using Subject Phone 2. Individual A said, “I’m getting on the E way [the expressway] at Kostner.” MOORE responded, “I’m right here on Sacramento waiting on you, bro.” Based on my training and experience, the context of the calls described above, and my knowledge of the investigation, I believe Individual A and MOORE met and traveled together to the meeting with MCCLINIC that Individual A had arranged.

20. At approximately 12:03 pm (Call 96067), Individual A, using Subject Phone 1, had a telephone conversation with MCCLINIC, using Subject Phone 3. When asked about his/her location, Individual A responded that he was “passing

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<sup>6</sup> On or about August 9, 2017, law enforcement intercepted several calls between Individual A, using Subject Phone 1, and MCCLINIC, using MCCLINIC Phone 1, in which they agreed to meet in the vicinity of Cermak Road and Halsted Street in Chicago. Individual A referred to that area as “Jew Town.” Thereafter, at approximately 2:58 pm, surveillance observed Individual A and MCCLINIC meet in the back parking lot of 2201 South Halsted Avenue.

Damen.” At approximately 12:13 pm (Call 96070), Individual A, using Subject Phone 1, called MCCLINIC, using Subject Phone 3. Individual A asked, “Where you at?” MCCLINIC answered, “I’m pulling up, Joe. I’m right here at this light, fixing to turn left.” At approximately 12:14 pm (Call 96072), Individual A, using Subject Phone 1, received a call from MCCLINIC, using Subject Phone 3. MCCLINIC asked, “You see me?” Individual A responded, “I went around the block. I’m turning, I’m turning again.”

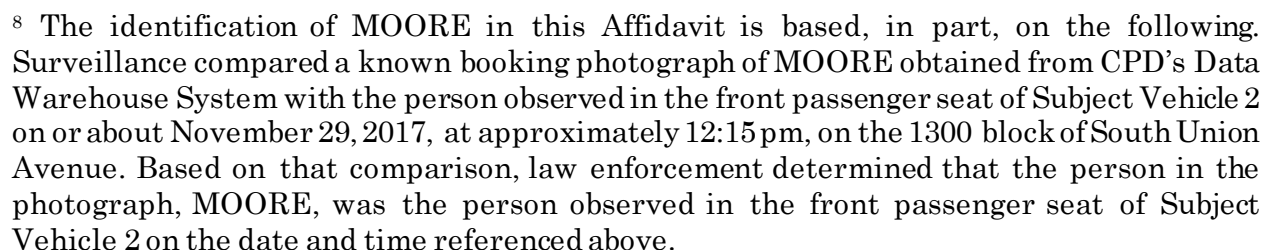
21. Based on previous surveillance of a meeting between Individual A and MCCLINIC in the vicinity of Cermak Road and Halsted Street, at approximately 12:00 pm, law enforcement established surveillance in the vicinity of 1300 South Union Avenue in Chicago.

22. A short time later, surveillance observed MCCLINIC,<sup>7</sup> driving a black Chevrolet Trail Blazer bearing Illinois license plate 92875 FF (“Subject Vehicle 1”), arrive and park on the 1300 block of South Union Avenue. At approximately 12:15 pm, as two law enforcement officers moved towards Subject Vehicle 1 to conduct an investigative interview, Subject Vehicle 1 drove away traveling southbound on Union Avenue. A few moments later, surveillance observed Individual A, driving a

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<sup>7</sup> The identification of MCCLINIC in this Affidavit is based, in part, on the following. Surveillance compared a known photograph of MCCLINIC obtained from the Illinois Secretary of State with the person they observed arrive and park Subject Vehicle 1 on the 1300 block of South Union Avenue in Chicago on or about November 29, 2017, shortly after 12:00 pm. Based on that comparison, agents determined that the person in the photograph, MCCLINIC, was the person they observed driving Subject Vehicle 1 on the date and time referenced above. In addition, during a subsequent traffic stop, the driver of Subject Vehicle 1 identified himself as MCCLINIC and presented an Illinois driver’s license in the name “Nakia O. McClinic.”

23. Law enforcement followed MCCLINIC, driving Subject Vehicle 1, as he turned west on Maxwell Street and eventually came to a stop in the vicinity of 1313 South Halsted Street. As depicted in the Google maps screenshot below, MCCLINIC, driving Subject Vehicle 1, traveled less than one-quarter of a mile between the time law enforcement attempted to approach him and when he stopped Subject Vehicle 1.



24. While following MCCLINIC, driving Subject Vehicle 1, surveillance observed an object tossed from the front driver's side window of Subject Vehicle 1 as it traveled west on Maxwell Street.

25. At approximately 12:21 pm, law enforcement approached Subject Vehicle 1 when it came to a stop in the vicinity of 1313 South Halsted Street. The driver of Subject Vehicle 1 identified himself as NAKIA MCCLINIC and presented a photo identification in the name "Nakia O. McClinic." MCCLINIC was the only person inside Subject Vehicle 1 during the traffic stop and was released without charges.

26. As that traffic stop was taking place, law enforcement searched Subject Vehicle 1's route of travel for the object that had been tossed from the front driver's side window of Subject Vehicle 1. In the vicinity of 711 West Maxwell Street, law enforcement recovered two clear knotted plastic bags, each of which contained a dark chunky substance. According to lab analysis, the combined weight of the substances inside those two bags was approximately 20.2 grams. Lab analysis further indicated that the substances contained detectable amounts of heroin, a Schedule I Controlled Substance, and fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propanamide), a Schedule II Controlled Substance.

27. After the events described above, at approximately 12:23 pm (Call 96076), Individual A, using Subject Phone 1, received a call from MCCLINIC, using Subject Phone 3, and had the following conversation:

MCCLINIC: Man, the motherfucking dicks just got there. I had to, I had to skirt on the people, man [MCCLINIC had to flee when he saw law enforcement in the spot where he had planned to deliver narcotics to Individual A].

Individual A: Man, I just saw you. I just went around the corner. I'm like, 'Man, I hope buddy doesn't think I'm on some bullshit [Individual A didn't want MCCLINIC to think that Individual A was cooperating with law enforcement and had alerted them to the planned narcotics transaction]'

MCCLINIC: Hey, they chased the shit out of me, B.

Individual A: I was behind you.

MCCLINIC: Man, I skirted on their ass. Oh, man, Joe, I had to throw that shit [when he was fleeing from law enforcement, MCCLINIC threw the narcotics he intended to deliver to Individual A].

Individual A: Man, that's, that's, that's great. I looked. Then I was turning the corner. They turned the corner on the block that's before, that's before...

MCCLINIC: And, look, and pulled dead up on me, dog.

Individual A: And pulled dead up on you. I, I just watched it.

MCCLINIC: Hey, I skirted on their ass. Man, got out that motherfucking jammed up.

Individual A: I was just sitting on the side of you.

MCCLINIC: Look, they let me go and everything, Joe. I got little on their ass, Joe. I had to, bro. My background too. I'd rather take the fleeing and eluding. But, you know what, they was on bitch ass shit anyway. That's why they ain't, that's why they ain't charge me with stabbing out.

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MCCLINIC: Hey, only thing I wanted to do was get rid of what I had [narcotics], Joe. And I did that. Once I did that, I pulled over and told the man, 'I need my medication, man. I'm a diabetic, man. I'm sick.'

Individual A: Look, I kept going around the block. I just rode around the block like six times. They had another police pulled over by Jew town and hop out. But he ain't look for shit [the police officer(s) that Individual A saw didn't look for the narcotics that MCCLINIC threw up the window as he was fleeing]. He just hopped out and kept, he didn't look down at your business.

MCCLINIC: I don't know what he was doing.

Individual A: Man, that was crazy, man.

MCCLINIC: [UI] Uh, man, uh, shit, man. I'm a have to go bump back at my cousin, man [MCCLINIC would have to obtain more narcotics from his cousin before he could sell narcotics to Individual A as planned]. Damn, I ain't fucking right there no more.

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MCCLINIC: Man, look, Joe, I just got, I just got from up under some shit, Joe.<sup>9</sup> I was like, 'I can't get caught with this.'

Individual A: Hell no.

MCCLINIC: And they, no they fittin to get down on me bogus, man.

Individual A: Yeah, they probably was about...

MCCLINIC: Look, they trying to get out and nonchalantly walk up on my shit. I skirted on their ass, got rid of that, let them catch up with me. Like, 'Man, you all scared me, man. I'm trying to get me something to eat. I'm a diabetic.' And you know, hey, I pulled an Oscar winning performance on em. They ran my license and was like, 'Man, go get you

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<sup>9</sup> According to public records, on or about July 5, 2017, in the Circuit Court of Cook County, Illinois, MCCLINIC was convicted and sentenced to 30 days' imprisonment for possession of cannabis.



something to eat, man.' He like, 'Man, you know I could lock you.' I'm like, "Man, I'm sick man. You fucking scared me, man. I'm jittery off the medicine, man.'

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Individual A: I'd go back and look for that shit [the narcotics that MCCLINIC threw out the window of his vehicle as he was fleeing]. Where you throw it at?

MCCLINIC: Man, they probably, goddammit, that's what they. Hey, look, they, like, Joe, he got us. He got us, Joe. Look, they were some rookies, Joe. I'm telling you, man, soon as I hit that little, that little stadium. You know how you go under that little viaduct? That turn?

Individual A: Hell yeah.

MCCLINIC: Yeah, Joe, as soon as I went up under there, Joe, I, goddamit, man, the window was coming down. I just tossed, threw that, slung it.

28. At approximately 12:35 pm (Call 96080), Individual A, using Subject Phone 1, had a telephone conversation with MCCLINIC, using Subject Phone 3. Individual A said, "I'm fittin to look for that shit [the narcotics that MCCLINIC had tossed out the window of Subject Vehicle 1]. What window you threw it out of?" MCCLINIC said, "Shit, the driver window...It's like, like as soon as you where I was parked at, when I made..." Individual A interjected, "You parked right past the alley. I saw you." MCCLINIC continued, "When I made that right turn [on to Maxwell Street] it was a little gray car right there. I threw it right over that gray car. It was still stabbing out." Individual A responded, "Alright. I'm fittin look, Joe." MCCLINIC replied, "If you can't find it, uh, call me and you can just meet me

somewhere else [MCCLINIC was willing to schedule another meeting with Individual A to deliver narcotics].” Individual A responded, “Alright.”

29. At approximately 12:39 pm (Call 96084), Individual A, using Subject Phone 1, had a telephone conversation with MCCLINIC, using Subject Phone 3. MCCLINIC said, “It’s around the viaduct. It was a grey car to the left. I threw it, cuz I heard it.” Individual A asked, “When you made it past the viaduct? Or under the viaduct?” MCCLINIC responded, “When I came from under it, I threw it to the left by a little gray car. It should be because I heard it bouncing off the car. It was the first car on the left. Individual A replied, “Shit I walked all the way [on Maxwell Street] to Halsted. I’m walking back right now.” MCCLINIC said, “Huh,” after which Individual A said, “I’m gonna FaceTime you.”

30. At approximately 12:39 pm, as shown in the still image below, surveillance observed Individual A, using a cell phone, walking back and forth on the 700 block of West Maxwell Street in the area where MCCLINIC said he had tossed the narcotics.



Surveillance also observed MOORE standing watch on the sidewalk while Individual A searched the area. A few moments later, surveillance observed Individual A enter Subject Vehicle 2 with MOORE and depart the area.

31. At approximately 3:25 pm (Call 96219), Individual A, using Subject Phone 1, had the following telephone conversation with MCCLINIC, using Subject Phone 3:

MCCLINIC: Yeah, hey, look, you said when I pulled off they [the law enforcement officers who first approached MCCLINIC] hesitated?

Individual A: Yeah, they hesitated.

MCCLINIC: Well, it wasn't like I stabbed out with...

Individual A: Yeah, but you ain't stabbed out neither, though.

MCCLINIC: Right. Yeah, I just holler at my homie. He just did that in thirty years. He said once, if they did find it, once they let you go, he like, 'Shit, they ain't shit they can do [according to MCCLINIC's associate, MCCLINIC could not be charged with the narcotics he tossed from Subject Vehicle 1 after law enforcement ended the traffic stop by letting him go].

Individual A: No, hell, no.

MCCLINIC: And I ain't never going back right there. (UI) no.

Individual A: I said the same shit too. I ain't want to get me a public [defender].

MCCLINIC: This the same time last year they caught me for a manufacturing delivery of cannabis, Joe. I wasn't going this time [MCCLINIC tossed the narcotics because he didn't want to get charged with another narcotics offense].

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Individual A:        Alright, I'm a, hey, I'm a hit you up tomorrow, man. I'm a need you again [Individual wanted to obtain narcotics from MCCLINIC tomorrow].

MCCLINIC:        Alright, bet.

### **Conclusion**

32.    Based on the facts set forth above, there is probable cause to believe that on or about November 29, 2017:

a.        MCCLINIC knowingly and intentionally possessed with intent to distribute a controlled substance, namely, a mixture and substance containing a detectable amounts of heroin, a Schedule I Controlled Substance, and fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); and

b. MOORE attempted to knowingly and intentionally possess with intent to distribute a controlled substance, namely, a mixture and substance containing a detectable amounts of heroin, a Schedule I Controlled Substance, and fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

FURTHER AFFIANT SAYETH NOT.

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ANGEL AMADOR  
Task Force Officer,  
Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on June 11, 2018.

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DANIEL G. MARTIN  
United States Magistrate Judge