

FILED**5/25/2021**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONTHOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

CASE NUMBER:
UNDER SEAL**21 CR 335**MARGARITO GALEANA-GOMEZ, a/k/a "Mago,"
a/k/a "Margaro"; and
JOSE GONZAGA, a/k/a "Chinco"

CRIMINAL COMPLAINT

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


Beginning on or about September 12, 2020, and continuing until on or about September 18, 2020, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, defendants JOSE GONZAGA and MARGARITO GALEANA-GOMEZ violated:

*Code Section*Title 21, United States Code,
Sections 846, 841(a)(1)*Offense Description*

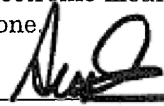
Did conspire with each other and with others known and unknown to knowingly and intentionally possess with intent to distribute a controlled substance, namely, 1 kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance.

This criminal complaint is based upon these facts:

X Continued on the attached sheet.


DANIEL NAGY, Special Agent, Homeland
Security Investigations (HSI)

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

Date: May 25, 2021
Judge's signatureCity and state: Chicago, IllinoisSUSAN E. COX, U.S. Magistrate Judge
Printed name and Title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Ss

AFFIDAVIT

I, DANIEL NAGY, being duly sworn, state as follows:

1. I am a Special Agent with Homeland Security Investigations (HSI). I have been so employed since approximately February 2006. As part of my duties as a HSI Special Agent, I investigate criminal violations relating to narcotics trafficking offenses, including criminal violations of the Federal Controlled Substance laws, including, but not limited to Title 18, United States Code, Sections 1956, and 1957, and Title 21, United States Code, Sections 841, 843, 846, 848, 952 and 963. I have been involved with 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.

2. This affidavit is submitted in support of a criminal complaint alleging that MARGARITO GALEANA-GOMEZ ("GALEANA") and JOSE GONZAGA ("GONZAGA") have violated Title 21, United States Code, Sections 841(a)(1), 846. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging GALEANA and GONZAGA with conspiracy to possess with intent to distribute and distribute 1 kilogram or more of heroin, 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 defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement officers (“LEOs”), information provided by a cooperating defendant (“CD3”),¹ review of consensually recorded conversations,² my

¹ CD3 began cooperating in this investigation in late August 2020, subsequent to an arrest for violations of the Immigration Nationality Act. CD3 has consented, in writing, to the interception and recording of all calls made to and from CD3’s phone. Additionally, CD3 has provided LEOs with background and intelligence information relative to this investigation. LEOs have independently corroborated this information through the review of court-authorized interception of wire and electronic communications, physical surveillance, and information received from other confidential sources. Based on law enforcement’s review of CD3’s consensually recorded phone calls and surveillance, CD3 has proven reliable and truthful. CD3 has felony convictions for possession of cocaine and aggravated fleeing and eluding from a police officer. CD3 has not been paid for his/her cooperation, and no promises have been made regarding any potential benefit CD3 may receive for CD3’s cooperation. CD3 is cooperating in the hope of obtaining some benefit from the government in connection with potential federal narcotics charges CD3 is facing and also in the hope of obtaining some benefit from the government in connection with CD3’s immigration status.

² On or about August 20, 2020, CD3 provided LEOs with written consent to record all calls and text messages made to and from CD3’s cellular telephone. On or about August 21, 2020, Chief Judge Rebecca R. Pallmeyer issued an order authorizing the interception of wire communications to and from CD3’s phone for a period of 30 days. On or about September 18, 2020, October 15, 2020, and November 12, 2020, Chief Judge Rebecca R. Pallmeyer issued orders re-authorizing the interception of wire communications to and from CD3’s phone, for 30 days each, based on CD3’s written consent. As a result, LEOs intercepted communications over CD3’s phone from on or about August 23, 2020, through December 11, 2020. The transcripts of the intercepted conversations described in this Affidavit remain in draft form; to the extent quotations from the conversations are included, they are preliminary, not final. The summaries of recorded conversations in this affidavit do not include reference to all the topics covered during the conversations. In certain instances, I will offer my interpretations of certain recorded conversations in brackets and otherwise. My understanding of these conversations is aided by the contents and context of the conversations, my familiarity with the facts and circumstances of the investigation, my experience as a law enforcement agent, my discussions with other law enforcement agents and officers, the experience of other law enforcement agents and officers in this investigation, and other evidence developed during the course of the investigation. Some of the recorded conversations were in the Spanish language, including those between CD3 and GONZAGA, and CD3 and GALEANA-GOMEZ. For these conversations, I have relied on draft English translations of the conversations made

training and experience, and the training and experience of other law enforcement officers.

FACTS SUPPORTING PROBABLE CAUSE

4. On or about September 10, 2020, at the direction of law enforcement, CD3 contacted MARGARITO GALEANA-GOMEZ via WhatsApp and requested to get supplied with resale quantities of narcotics.³ According to CD3, during the conversation CD3 told GALEANA that CD3 needed to find a way to pay for an attorney for Individual A, a mutual acquaintance of GALEANA and CD3 who had recently been arrested. According to CD3, GALEANA suggested CD3 purchase heroin from GALEANA, resell the heroin for a profit, and then use that profit to pay for Individual A's attorney. According to CD3, GALEANA related that his guy, meaning a narcotics broker, would contact CD3.

5. On or about September 12, 2020, at approximately 4:02 p.m., (call session #782), CD3 had a consensually recorded conversation with JOSE GONZAGA,

by Spanish-speaking officers. The times listed for the recorded conversations are approximate.

³ This initial conversation, which occurred over WhatsApp, was not recorded and did not occur in the presence of law enforcement. According to CD3, GALEANA is related to CD3's brother-in-law, Individual A, but CD3 does not know the exact relation. According to CD3, CD3 has never personally met GALEANA but CD3 has previously seen GALEANA's photo in Individual A's Facebook Account, which is how CD3 recognizes GALEANA's photo. According to CD3, at the time of CD3's release from ICE custody (on or about August 20, 2020), CD3 was mistakenly given a phone that belonged to Individual A who was also being held in ICE custody at the same detention facility. CD3 searched the "contacts" in Individual A's phone and found GALEANA's WhatsApp and cell phone contact information which was saved as "Mago," a nickname that CD3 recognized as GALEANA's. According to CD3, CD3 no longer has access to Individual A's phone and CD3 does not remember GALEANA's WhatsApp or cell phone contact information.

who was using telephone number (312) 468-1243 ("Gonzaga Phone 1").⁴ During the call, CD3 asked, "How you doing?" GONZAGA replied, "Just here my friend. I'm calling on behalf of the cousin [narcotics associate of GALEANA]." CD3 stated, "Oh, okay, okay." GONZAGA replied, "Yeah, they told me to call you to see what's up." CD3 stated, "Yeah, well right now I'm going out with the family. I think if anything happens [heroin transaction] it will be tomorrow." GONZAGA asked, "What time?" CD3 replied, "I'll call you early to tell you around what time. I'm free all day tomorrow." GONZAGA stated, "Perfect, so I'm gonna send you the address [meet location]. It's safe here. Okay?" CD3 replied, "Okay." GONZAGA stated, "Okay, I'll send you address now. Bye." Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I believe GONZAGA told CD3 that GONZAGA would send CD3 the address of a meet location where GONZAGA would provide CD3 with a sample of heroin.

6. Between approximately 4:04 p.m. and 4:05 p.m., (call sessions #785 & 788) CD3 received two text messages from GONZAGA, who was using Gonzaga Phone 1. GONZAGA texted: "4250 N Marine dr Chicago Illinois. It's next to the lake by Irving and Montrose."

⁴ LEOs believe that GONZAGA is the user of Gonzaga Phone 1 based on the following: As described in greater detail below, on or about September 17, 2020, LEOs seized approximately 1,977.99 grams of heroin from GONZAGA during an undercover narcotics operation in Chicago. LEOs confirmed GONZAGA's identity based on his State of Illinois driver's license, which was found on his person. Additionally, LEOs found GONZAGA to be in possession of Gonzaga Phone 1. GONZAGA was taken into custody and transported to Chicago Police Department's Homan Square facility where he was interviewed. Additionally, a LEO who spoke with GONZAGA during the interview has listened to call session #782 and determined that GONZAGA is the user of Gonzaga Phone 1.

7. On or about September 13, 2020, at approximately 7:40 a.m. (call session #792), CD3 received a text message from GONZAGA, who was using Gonzaga Phone 1. During the conversation, GONZAGA texted, "What's up, friend? What time are you coming?"

8. At approximately 9:36 a.m., (call session #795), CD3 had a consensually-recorded conversation with GONZAGA, who was using Gonzaga Phone 1. During the call, CD3 asked, "Do you think we can do this [meet] tomorrow instead because I had a family member get sick and I'm going to have to go to hospital and I'll probably be there all day?" GONZAGA replied, "Because I'm here 24-hours a day, so whatever you think is best." CD3 replied, "Yeah, and the guy [CD3's fictitious customer – an undercover law enforcement officer – "UC3"] that is gonna be taking that [heroin] lives by you and if he likes it [heroin] he is going to take it. But he is missing like 3 dollars [\$3,000], so he won't be ready until tomorrow as well." GONZAGA stated, "Okay, okay perfect." Later in the conversation, CD3 stated, "It's gonna be like around 1 p.m." GONZAGA replied, "Perfect okay I'll be here." Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I believe that CD3 made arrangements to meet GONZAGA the following day, September 14, 2020, at 1:00 p.m. to pick up the sample of heroin.

9. On or about September 14, 2020, between approximately 11:19 a.m. and 11:45 a.m. (call sessions #811, 813, 817, and 822), CD3 sent approximately four text messages to GONZAGA, who was using Gonzaga Phone 1. CD3 texted: "Ready. I'll be there around 1. Call me. I'm ready." CD3 received no response from GONZAGA.

10. At approximately 11:51 a.m. (call session #830), CD3 had a consensually-recorded conversation with GALEANA, who was using Colombian telephone number 57-321-341-7617 ("Galeana Phone 1").⁵ During the conversation, GALEANA asked, "What's up, cousin? What do you say?" CD3 replied, "Hey, that guy [GONZAGA] doesn't answer me." GALEANA asked, "Oh, he still hasn't answered?" CD3 replied, "No." GALEANA stated, "Okay, okay, let me tell my friend [GONZAGA's unknown narcotics associate] because I just told him that you called him, but he hasn't answered. He said, give it till 12 [noon] because we told him it was going to

⁵ LEOs believe that GALEANA is the user of Galeana Phone 1 based on the following: On or about July 4, 2019, in the Distrito Judicial de Medellín, Rama Judicial de la República de Colombia, the interception of wire communications to and from telephone number 321-872-0455, used by MARGARITO GALEANA-GOMEZ was authorized. Pursuant to the authorization, law enforcement intercepted wire communications to and from telephone number 321-872-0455 until on or about September 3, 2020. According to law enforcement officials in Bogotá, Colombia, who are investigating GALEANA for narcotics trafficking, GALEANA uses multiple phones and switches his phones frequently in order to attempt to avoid detection by law enforcement.

LEOs identified GALEANA as the user of Galeana Phone 1 based on the following: On or about September 24, 2019, at approximately 2:58 p.m., GALEANA, using telephone number 321-872-0455, communicated with Individual C, who was using telephone number 317-401-1464. During the call, GALEANA stated, "Yes, good afternoon." Individual C asked, "Good afternoon, how are you?" GALEANA stated, "[May I speak with] The gentleman, [Individual C]." Individual C replied, "You are speaking with him." GALEANA stated, "Ah, what happened is that they called me from the Bogota Consulate, and they told me you have my passport. I'm Margarito Galeana-Gomez." Individual C replied, "Yes Margarito, I am in Bogota and I return on Thursday." A Spanish-speaking linguist in Colombia has compared the voice of the individual who identified himself as "Margarito Galeana-Gomez" in the call referenced above, with the user of Galeana Phone 1 that CD3 was speaking with in the calls detailed in this complaint, and determined that the voices match.

Furthermore, According to CD3, CD3 learned from Individual A, that GALEANA's Facebook Account is "Margaro Galeana." As described above in footnote 3, on or about August 20, 2020, CD3 searched the "contacts" within Individual A's phone and found GALEANA's WhatsApp and cell phone contact information which was saved as "Mago," a nickname that CD3 recognized as GALEANA's. According to CD3, CD3 no longer has access to Individual A's phone and CD3 does not remember GALEANA's cell phone or WhatsApp contact information.

happen around 12 and we still have a few minutes till then.” CD3 replied, “Okay.” GALEANA stated, “At 12, if he doesn’t answer by then, I’ll tell him so he could call them people up there.” CD3 stated, “Alright then. Let me know.” GALEANA replied, “Because he has his number from work and the family numbers so it’s much quicker to find him.” CD3 stated, “Oh okay, then call me here.” GALEANA replied, “Alright, alright. Is this the work one [narcotics phone] or is this a family one [non-narcotics phone]?” CD3 replied, “I don’t have a family one. I only had WhatsApp, but the other phone doesn’t have service. So just call me on this one. Yeah, because I don’t have service.” GALEANA stated, “Oh because I can call you through WhatsApp.” CD3 asked, “Oh, you can’t call me on the phone?” GALEANA replied, “No, not direct...I don’t have a way of calling you direct, since it’s international.” CD3 stated, “Oh, I’m going to have to get a phone that has WhatsApp then.” GALEANA replied, “Yes, you need to buy one. One that has...because those peanuts [inexpensive/disposable phones] don’t have WhatsApp.” Later in the conversation, CD3 stated, “Alright then. Call me here then.” GALEANA replied, “If not call me at 12.” Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I believe CD3 notified GALEANA that GONZAGA had not answered the text messages that CD3 had sent to GONZAGA earlier that morning.

11. At approximately 12:23 p.m. (call session #838), CD3 had a consensually-recorded conversation with GALEANA, who was using Galeana Phone 1. During the call, CD3 asked, “Did they [GONZAGA’s unknown narcotics associate] answer you yet?” GALEANA replied, “Yes, my friend answered and told me he was

going to call up there [to GONZAGA] right now.” CD3 stated, “Oh okay, then I’m going to wait for this guy [GONZAGA] to call me and then I’ll call you back.” GALEANA replied, “Yes, wait for the call then call me so I know what’s going on.” CD3 replied, “Okay that’s fine. Once he calls me, I’ll call you.” GALEANA stated, “Yes, let me know so I know, and I can call my friend and I can let him know you got the call. That way everything is good.” CD3 replied, “Alright then.” Based on my knowledge of the investigation, my training and experience, information received from CD3, and GONZAGA’s post-arrest interview with law enforcement on September 17, 2020 (as detailed later in paragraphs 35-36), I believe that GALEANA was not in direct contact with GONZAGA, and instead contacted a third party unknown narcotics supplier and requested that the third party unknown narcotics supplier contact GONZAGA and direct GONZAGA to call CD3.⁶

12. At approximately 12:28 p.m. (call session #842), CD3 had a consensually-recorded conversation with GONZAGA, who was using Gonzaga Phone 1. During the call, CD3 asked, “Oh, what’s up friend? How are you doing?” GONZAGA replied, “Just here, ready.” CD3 stated, “Oh okay. What time is it right now? It’s

⁶ As detailed later in paragraphs 35-36, during GONZAGA’s post-arrest interview with law enforcement on September 17, 2020, GONZAGA related that an individual known to him as “Nava” had called GONZAGA earlier in the week and directed GONZAGA to deliver a sample of narcotics to a new customer (CD3). Additionally, during the same interview, GONZAGA stated that earlier that day (September 17, 2020), at the direction of Nava, GONZAGA met with two individuals in the underground garage to conduct the two-kilogram narcotics transaction. According to GONZAGA, he met Nava about eight years ago in Guerrero, Mexico. According to GONZAGA, Nava recently asked GONZAGA to store narcotics at GONZAGA’s apartment building, and then weigh and package the narcotics for distribution to Nava’s narcotics customers. GONZAGA stated that he gets paid a flat fee of \$1,000 to receive, store, and distribute each batch of narcotics. According to GONZAGA, to date, GONZAGA has been paid a total of \$2,000 for his work for Nava.

12:30, I think it will take me an hour to get there.” GONZAGA replied, “Alright.” CD3 stated, “I live right here in 147th and Pulaski so it’s a bit far.” GONZAGA replied, “Okay, alright we’re here.” CD3 stated, “Alright, in an hour and a half.” Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I believe CD3 told GONZAGA that CD3 would meet GONZAGA in an hour and a half to pick up the sample of heroin.

13. At approximately 12:45 p.m., LEOs met with CD3 at a predetermined location. LEOs searched CD3 and CD3’s vehicle for contraband, with negative results. LEOs then equipped CD3 and CD3’s vehicle with audio/video recording devices. LEOs activated the recording devices and followed CD3 to 4250 N. Marine Drive in Chicago, the address GONZAGA had texted CD3 on or about September 12, 2020.

14. At approximately 1:30 p.m. (call session #863), CD3 had consensually-recorded conversation with GONZAGA, who was using Gonzaga Phone 1. During the call, GONZAGA asked, “What’s up cousin?” CD3 replied, “I’m here by the stop sign...right on the corner...where a lady is walking her dog.” GONZAGA replied, “Yes, I’m right here. I’m wearing white...what [vehicle] are you in?” CD3 replied, “In a black truck.” GONZAGA and CD3 continued to discuss their exact locations. At the end of the conversation, CD3 stated, “I’m right on Marine [Drive]. I’m on the corner of Marine and Junior, right on the corner.” GONZAGA replied, “Oh you’re on the other side. Okay, wait for me there I’m heading there.”

15. At approximately 1:31 p.m., using a City of Chicago Police Observation Device (“POD camera”), LEOs observed an unknown male wearing a white work shirt

and a Covid-19 facemask, later determined to be GONZAGA,⁷ approach CD3's vehicle and engage CD3 in conversation. According to CD3 and the audio/video recordings, GONZAGA reached into CD3's vehicle and handed CD3 a clear plastic bag containing a brown-colored chunky substance. During their conversation, GONZAGA stated, "I live right here on the corner." CD3 asked, "Oh you live here?" GONZAGA replied, "Yes." CD3 stated, "How much is this? If he [UC3] takes it today." GONZAGA replied, "That's three grams."

16. Later in the conversation, CD3 asked, "Okay if he [UC3] takes it today, can we give him one [kilogram]?" GONZAGA asked, "What do you mean?" CD3 replied, "Today, if he likes this [the heroin sample]. Is there one [kilogram of heroin]?" GONZAGA replied, "Yes, right now I will prepare it for you because they haven't told me how much. Is it one kilo?" CD3 replied, "Yes." GONZAGA stated, "So coordinate it with that guy. I just follow orders. That guy has to first tell me what to do." CD3 replied, "I told that guy that I was going to take one [kilo of heroin] today if he liked it. And if he liked it, he would take another two tomorrow." GONZAGA stated, "We have like two, four hundred. Two kilos and four hundred [grams]." CD3 replied, "Oh, there is two and a half." GONZAGA replied, "Yes." Later in the conversation,

⁷ As described in greater detail below, on or about September 17, 2020, GONZAGA was taken into custody following the execution of an undercover narcotics operation. After GONZAGA was arrested, LEOs confirmed GONZAGA's identity based on his Illinois driver's license which was found on his person. At that time, GONZAGA was also wearing the same clothing he was wearing during this initial meeting with CD3 on or about September 14, 2020. LEOs and CD3 both confirmed that the person who met with GONZAGA on September 14, 2020, was the same person who was arrested after the second meeting with GONZAGA on September 17, 2020.

GONZAGA stated, "Right now, I'll double check. You tell me what you are thinking and then I will prepare it. Whatever that guy tells me. What you are taking." CD3 and GONZAGA agreed to talk later.

17. At the conclusion of the conversation, LEOs observed CD3 depart the area. LEOs followed CD3 to a predetermined location where LEOs met with CD3 and recovered a clear plastic bag containing a brown-colored chunky substance. According to the Illinois State Police Forensic Laboratory, the clear plastic bag contained approximately 2.9 grams of a substance that tested positive for heroin.

18. On or about September 16, 2020, at approximately 2:22 p.m., (call session #953), CD3 had a consensually-recorded conversation with GALEANA, who was using Galeana Phone 1. During the call, GALEANA stated, "You made me look bad over here with these people [GONZAGA's unknown narcotics associate(s), possibly "Nava" or an associate of Nava]." CD3 replied, "Man, my friend, I have all sorts of trouble with the family right now." GALEANA asked, "What happened?" CD3 replied, "Yesterday, I was in the hospital, then the wife and then my son had put something in his mouth. But anyway, the guy [UC3] called me already and he said he is taking two [two kilograms of heroin] tomorrow. If you have them, he will take them." GALEANA asked, "But he liked the photo [sample of heroin]?" CD3 replied, "He said, yes. He said, yes." GALEANA asked, "Okay, well make sure everything is good and don't make me look bad. What time?" CD3 replied, "Well, I guess the same time. In a bit, I'm going to check the paper [money]. By tomorrow, I'll have checked all the receipts [money] and tomorrow we can do it around the same time." GALEANA

stated, "No, you give me an exact time." CD3 replied, "Tomorrow at 1, tomorrow at 1." GALEANA asked, "At 1 the work [narcotics transaction] will get done?" CD3 replied, "Yes, yes, yes." GALEANA stated, "Alright then, I'm counting on this. I'll make sure everything is still on track cause our friend [GALEANA's unknown narcotics associate] wasn't sure this was going to happen." Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I believe CD3 told GALEANA that CD3's fictitious narcotics customer (UC3) liked the sample of heroin that GONZAGA provided to CD3 on or about September 14, 2020. Further, I believe that CD3 told GALEANA that UC3 wanted to purchase two kilograms of heroin.

19. At approximately 2:54 p.m. (call session #956), CD3 had a consensually-recorded conversation with GALEANA, who was using Galeana Phone 1. During the call, CD3 asked, "Did they answer you?" GALEANA replied, "Yes, I already spoke with my friend." CD3 asked, "Oh, okay. What did [they say]?" GALEANA replied, "He said yes, and that there isn't any problem. He already called over there and they got the green light." CD3 asked, "Oh okay, so the guy [GONZAGA] is going to call me?" GALEANA replied, "Yes, right now he told me that the guy up there [GONZAGA] is going to call you to confirm that he is going to take care of you with two [kilos of heroin]." CD3 stated, "Alright then, I'm going to wait for this guy to call me." GALEANA replied, "Pay attention to your telephone." Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I

believe CD3 made arrangements with GALEANA to purchase two kilograms of heroin from GONZAGA the following day.

20. On or about September 17, 2020, at approximately 9:05 a.m. (call session #980), CD3 sent a text message to GONZAGA, who was using Gonzaga Phone 1. CD3 texted: "Call me."

21. At approximately 10:26 a.m. (call session #984), CD3 had a consensually-recorded conversation with GONZAGA, who was using Gonzaga Phone 1. During the call, CD3 asked, "Can I see you around 1 [p.m.]?" GONZAGA replied, "Perfect, brother. Yes." CD3 asked, "Where am I going?" GONZAGA replied, "Right here, except that you're going to go into the garage [at 4250 N. Marine Dr.], right by the bus stop. Where you saw me [on September 14, 2020]. You're going to go down by the ramp right here. It's secure, 100%. That's why I do the turns here. 100% secure and here is where the business is done." CD3 asked, "Is it a public garage?" GONZAGA replied, "No, it's private, more than private. No one enters. I know what's going on here, that's why I handle my business here, because outside you know [it's not secure]. In here, its 100% secure, you know. When you come out, you get on Lake Shore [Drive] and go wherever you want. You understand?" CD3 stated, "Okay, because the guy [UC3] will be taking the paper [money]." GONZAGA replied, "No, of course. That's how we do business, brother. That's how we do business in the garage." Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I believe CD3 made arrangements to meet GONZAGA

inside the underground parking garage located at 4250 N. Marine Drive to purchase two kilograms of heroin.

22. At approximately 10:34 a.m. (call session #987), CD3 had a consensually-recorded conversation with GALEANA, who was using Galeana Phone

1. During the call:

a. GALEANA asked, "Everything good? Yesterday, Individual A asked me what price they had left the car for me and I said three four [\$34,000], but I didn't say how much I had given and then I said that you said three seven [\$37,000] and we give him [Individual A] one peso [\$1,000], no?" CD3 replied, "Yeah, that's okay. No problem." GALEANA stated, "And between us we can give him 500 and 500, so he can get back on his feet." CD3 replied, "Yes, yes, I understand. Okay, that's good, so I'm giving the guy [GONZAGA] three four for each one [\$34,000 per kilo] right?" GALEANA replied, "Yes, three four for each, but my buddy [GONZAGA's unknown narcotics associate] asked me if you can do him a favor and I told him, yes. That if instead of doing three four, you give him three dollars [\$3,000] to the secretary and if you can then do the favor of sending four pesos [\$4,000] to the town." CD3 clarified, "Okay, so I have to give 32 [\$32,000 per kilo] to the guy from up here [GONZAGA]...and the rest, I will send four [wire transfer \$4,000] to him and then?" GALEANA replied, "Yes. He is going to give me the names so you can put them down for Tuxpan [Mexico], he told me. The guy is from that region area."

b. CD3 confirmed, "He's from Tuxpan, okay." GALEANA replied, "Yes. I told him yes since he's giving me work [narcotics]. I couldn't tell him no, you

know?" CD3 stated, "I'm talking to the black guy [UC3] now. He told me yes, around 1[p.m.], but I have to make sure all of the paper [money] is here." Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I believe GALEANA was confirming the price that CD3's customer [UC3] was paying for the heroin (\$34,000 per kilogram). Additionally, I believe GALEANA asked CD3 to deliver \$64,000 to GONZAGA (\$32,000 per kilogram) and wire transfer the remaining narcotics proceeds (\$4,000) to Mexico, once GALEANA provided CD3 with the recipients' names.

c. Later in the conversation, GALEANA asked, "Have you spoken with the black guy [UC3] enough to know how many plates [kilos of heroin] he can handle at his store, for example weekly, or has he said anything?" CD3 replied, "I haven't talked to him to...well, that's what we're working on, but seeing him in person I'll get an idea." GALEANA replied, "Yes, yes. Well, okay." CD3 stated, "I'll let you know later. I'll call you around 2 [p.m.] when I get home."

d. Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I believe GALEANA asked CD3 how many kilograms of heroin CD3's customer (UC3) could potentially be purchasing from them on a weekly basis.

23. Between approximately 12:44 p.m. and 1:02 p.m. (call sessions #1000, 1003, and 1005), CD3 exchanged approximately three text messages with GONZAGA, who was using Gonzaga Phone 1. During the conversation, CD3 texted, "My GPS says

I will be there in 45 minutes.” GONZAGA replied, “Okay I’m here attentively waiting.” CD3 responded, “OK.”

24. At approximately 1:10 p.m., LEOs met with CD3 and UC3 at a predetermined location. LEOs searched CD3 for contraband, with negative results. LEOs then equipped CD3, UC3, and UC3’s vehicle (“UC vehicle”) with audio/video recording devices.

25. At approximately 1:32 p.m., LEOs activated the recording devices and followed UC3 (driver) and CD3 (front passenger), who drove together in the UC vehicle, to the underground parking garage located at 4250 N. Marine Drive in Chicago.

26. Between approximately 1:33 p.m. and 1:49 p.m. (call sessions #1010, 1012, 1014, 1016, and 1018), CD3 exchanged text messages with GONZAGA, who was using Gonzaga Phone 1. During the conversation, CD3 wrote, “Like 20 minutes. I’m close by.” GONZAGA replied, “Okay. Like I mentioned before, come down the ramp. I’m here waiting.”

27. At approximately 2:10 p.m. (call session #1035), CD3 had a consensually-recorded conversation with GONZAGA, who was using Gonzaga Phone 1. During the call, CD3 asked, “Do I go inside here?” GONZAGA replied, “Yes cousin, down the ramp...just come down and go straight. There’s a white van and I’m inside the van. Go straight, grab a ticket and go in.”

28. At approximately the same time, LEOs observed the UC vehicle arrive at 4250 N. Marine Drive. The UC vehicle proceeded down a ramp into the

underground parking garage. LEOs conducting surveillance from inside the underground parking garage observed the UC vehicle park next to a white van. Moments later, LEOs observed GONZAGA exit the white van and approach the UC vehicle.

29. According to UC3, CD3, and the audio/video recordings, GONZAGA greeted both UC3 and CD3 and stated, "You guys gotta go upstairs with me. Do you guys have the money?" UC3 replied, "Man, yeah I don't know about going in the building, man." GONZAGA stated, "Oh no, that's fine. I mean if you don't want to go, that's fine. But I have to count it. You guys gotta give me some time." UC3 asked, "Could I see it [the heroin]? My boy [UC4] is right outside with the money. I want to make sure." GONZAGA replied, "Okay, my buddy, so..." UC3 interrupted, "I mean, I want to see it, make sure everything is legit. Make sure." GONZAGA asked, "Are you gonna go upstairs with me to see the product? I mean its 100% in here, my buddy. 200% secure. No problem, no nothing. I swear to God. God as my witness." UC3 refused to go upstairs with GONZAGA. After a brief conversation between GONZAGA and CD3, GONZAGA stated, "Wait for me. Just turn off the engine and stay right there." Moments later, GONZAGA walked away from the UC vehicle and exited the garage.

30. At approximately 2:19 p.m., UC3 observed GONZAGA return to the parking garage carrying a large cloth laundry-type bag. GONZAGA walked over to the front passenger window of the UC vehicle, placed the bag inside the vehicle, and from the bag pulled out two plastic food containers, each containing a vacuum-sealed

brick containing a brown compressed powder. GONZAGA stated, "Right here, buddy." UC3 replied, "I'm seeing now." GONZAGA stated, "Two pieces, buddy. This is the small one. This is just one." UC3 stated, "Alright, we good. Let me make the call."⁸ GONZAGA stated, "We have the big one here." UC3 asked, "And it's the same sample that you gave me [on or about September 14, 2020]?" GONZAGA replied, "Yeah."

31. At approximately 2:20 p.m., LEOs approached the UC vehicle and arrested GONZAGA following a brief foot chase through the garage. LEOs recovered the cloth bag, the two plastic food containers, and the two vacuum-sealed bricks of brown compressed powder, which later field-tested positive for heroin, from the UC vehicle.

32. According to the U.S. Customs and Border Protection Laboratory, the substance inside the two plastic food containers weighed approximately 1,977.99 grams and tested positive for heroin.⁹ . Additionally, GONZAGA's latent prints were found on both lids of the plastic food containers.

33. At approximately 2:30 p.m., GONZAGA was placed inside an enforcement vehicle and advised of his *Miranda* rights in the Spanish language. GONZAGA agreed to speak with LEOs and gave written consent to search two apartments inside of 4250 N. Marine Drive: the first (number 716), he identified as

⁸ "Let me make the call" was the predetermined signal to inform enforcement officers that GONZAGA was in possession of the heroin.

⁹ The brown powder was also presumptively found to contain 6-MAM, a schedule II-controlled substance.

his residence, and the second (number 2714), he had access to because of his employment as an engineer for the apartment building.¹⁰

34. LEOs accompanied GONZAGA into apartment number 2714 within 4250 N. Marine Drive. GONZAGA unlocked the door to the apartment and directed LEOs to a closet where he kept supplies used to package narcotics. From within the closet LEOs recovered a heat sealer, a box of vacuum sealer rolls, a digital scale, a box of sandwich bags, and a box of saran wrap. GONZAGA explained that he used apartment 2714 to package narcotics but that GONZAGA did not live there.

35. LEOs transported GONZAGA to the Chicago Police Department's Homan Square facility where he agreed to be interviewed.¹¹ During the recorded interview, GONZAGA stated that about eight years ago he met a friend named "Nava" in Guerrero, Mexico. According to GONZAGA, Nava recently asked GONZAGA to store narcotics at GONZAGA's apartment building, and then weigh and package the narcotics for distribution to Nava's narcotics customers. GONZAGA stated that he gets paid a flat fee of \$1,000 to receive, store, and distribute each batch of narcotics. According to GONZAGA, to date, GONZAGA has been paid a total of \$2,000 for his work for Nava.

¹⁰ After being advised of his *Miranda* warnings, agreeing to speak with LEOs, and signing the consent to search form, GONZAGA, while inside of his residence and in the presence of LEOs, printed his name on the *Miranda* waiver form that he was presented.

¹¹ At the beginning of the interview, LEOs asked GONZAGA whether he remembered being advised of his *Miranda* rights and subsequently signing a waiver inside his apartment earlier that afternoon. GONZAGA replied that he did remember and he again acknowledged that he understood his *Miranda* rights and was willing to continue talking with LEOs.

36. GONZAGA stated that Nava called him earlier in the week and directed GONZAGA to deliver a sample of narcotics to a new customer.¹² GONZAGA stated that when the unknown customer (believed to refer to CD3) arrived, GONZAGA gave the customer three grams of narcotics. GONZAGA provided LEOs with CD3's telephone number that was saved in the call history of Gonzaga Phone 1 and which GONZAGA was in possession of at the time of his arrest.

37. GONZAGA stated that earlier that day, at the direction of Nava, GONZAGA met with two individuals in the underground garage to conduct a two-kilogram narcotics transaction.¹³ According to GONZAGA, Nava told GONZAGA that the individuals would be delivering \$64,000 to GONZAGA in exchange for the two kilograms of narcotics. Per GONZAGA, when the individuals arrived, GONZAGA asked them for the money. GONZAGA stated that one of the individuals asked to first see the narcotics. GONZAGA then retrieved the narcotics from inside of apartment #2714 and returned to the parking garage, at which time GONZAGA was arrested. Following the interview, GONZAGA was released from police custody pending further investigation.

38. On or about September 18, 2020, at approximately 8:06 a.m. (call session #1067), CD3 had a consensually-recorded conversation with GALEANA, who was

¹² Based on my knowledge of the investigation and my training and experience, I believe that the "new customer" that GONZAGA was referring to was CD3; however, GONZAGA did not recognize CD3 as one of the individuals inside the UC vehicle. GONZAGA stated that he believed the individual (CD3) that he provided the three-gram heroin sample to, on or about September 14, 2020, was waiting outside the parking garage with the money.

¹³ During his interview by LEOs, GONZAGA claimed to not know the type of narcotic that he was delivering.

using Galeana Phone 1. During the call, CD3 asked, "What's going on man?" GALEANA replied, "Man, I'm out the loop. What happened yesterday?" CD3 stated, "Man, I don't know what's up. The older man [GONZAGA] told me meet at the garage and that there are no problems there. Everything is good there. We got there and right away, boom the problems started. He didn't bring it to me. He brought it to the black guy [UC3] I was with and then they converged on us from all sides. They let me go a bit ago, like at six in the morning. But the older man, they let him go too. He left yesterday." GALEANA asked, "And the black guy?" CD3 replied, "No, the black guy is still there they put everything on him." Later in the conversation, GALEANA asked, "And the things [narcotics] got lost? The man's stuff got lost? What he had?" CD3 replied, "Yes, they took the paper [money] and the stuff [narcotics]. And they [law enforcement] took me with the older man, but separately. We landed in the same spot, on Kedzie and Harrison." Later in the conversation, GALEANA stated, "Okay, okay, well I'm going to call my guy, so be ready through WhatsApp, so you can call me." CD3 informed GALEANA that he did not have access to WhatsApp. GALEANA replied, "Call me in 15 minutes." Based on my knowledge of the investigation, my training and experience, and information provided by CD3, I believe that CD3 provided GALEANA with CD3's account of what happened inside the parking garage prior to law enforcement's seizure of the heroin the day prior.

39. At approximately 8:22 a.m. (call session #1069), CD3 had a consensually-recorded conversation with GALEANA, who was using Galeana Phone 1. During the call, CD3 asked, "Did you call?" GALEANA replied, "Yes, I just called

my guy [GALEANA's unknown narcotics associate, possibly "Nava" or an associate of Nava] and explained how it went down." CD3 asked, "And what?" GALEANA replied, "He said send me an audio explaining everything good. That the old man got out in 3 hours and that you were let go like at 6 or 7 in the morning." CD3 acknowledged. GALEANA stated, "Tell him that the black guy stayed there. I told him, look cousin...because they [GONZAGA's unknown narcotics associate] wanted to charge him for that because he thought it was you guys. He said, tell him [CD3] to send me an audio explaining everything, and I'll give it to them, and also tell him to investigate the name of the black guy to see if he is still locked up. If it happened that way, then they had a tail and they were the problem." CD3 acknowledged.


40. At the end of the conversation, GALEANA stated, "You understand? Send me an audio very well detailed so I can give it to him as well. He said to get on the internet and see if you can find the black guy, and if you find information on him, send it to me so I can send it to him as well." Based on my knowledge of the investigation, my training and experience, and information provided by UC3, I believe GALEANA directed CD3 to make an audio recording of the events that occurred leading up to and subsequent to law enforcement's seizure of the heroin so that GALEANA could forward the recording to his boss in order to avoid being held responsible for the lost heroin.

CONCLUSION

41. Based on the foregoing, I respectfully submit that there is probable cause to believe that beginning on or about September 12, 2020, and continuing until

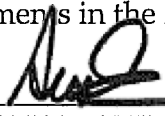
on or about September 18, 2020, JOSE GONZAGA and MARGARITO GALEANA-GOMEZ conspired with each other and with others known and unknown to knowingly and intentionally possess with intent to distribute a controlled substance, namely, 1 kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1), all in violation of Title 21, United States Code, Section 846.

FURTHER AFFIANT SAYETH NOT.



DANIEL NAGY
Special Agent, Homeland Security
Investigations

Pursuant to Fed. R. Crim. P. 4.1, this Affidavit is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the statements in the Affidavit by telephone this 25th day of May, 2021



SUSAN E. COX
United States Magistrate Judge