

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

v.

CASE NUMBER:

JUSTIN R. DAVILA, also known as "Fatman,"  
JASON J. DAVILA, and  
NIEKO E. HADLEY, also known as "Yogi"

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: from on or about August 16, 2012 to on or about September 10, 2012, at Joliet, in the Northern District of Illinois, Eastern Division, and elsewhere, JUSTIN R. DAVILA, also known as "Fatman," JASON J. DAVILA, and NIEKO E. HADLEY, also known as "Yogi," defendants herein:

did conspire with each other and with others known and unknown, to knowingly and intentionally possess with intent to distribute a controlled substance, namely, five kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1);

in violation of Title 21, United States Code, Section 846. I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

\_\_\_\_\_  
Signature of Complainant  
**JACOB CASALI**  
Special Agent,  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me and subscribed in my presence,

September 11, 2012  
\_\_\_\_\_  
Date

at Chicago, Illinois  
\_\_\_\_\_  
City and State

ARLANDER KEYS, U.S. Magistrate Judge  
\_\_\_\_\_  
Name & Title of Judicial Officer

\_\_\_\_\_  
Signature of Judicial Officer



storage locations), storage facilities, bank safe deposit boxes, cellular/camera phones, and computers. Evidence, searched for, and recovered in these locations has included controlled substances, records pertaining to the expenditures and profits realized there from, monetary instruments and various assets that were purchased with the proceeds of the drug trafficking.

4. This affidavit is submitted in support of a criminal complaint alleging there is probable cause that JUSTIN R. DAVILA, also known as “Fatman,” JASON J. DAVILA, and NIEKO E. HADLEY (“HADLEY”), also known as “Yogi,” did conspire with each other and with others known and unknown, to knowingly and intentionally possess with intent to distribute a controlled substance, namely, five kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1), in violation of Title 21, United States Code, Section 846. This affidavit is also made in support of an application for a warrant to search a black T-Mobile MyTouch cellular telephone, bearing serial number SH19SRM07548 (“Subject Phone 1”) and a black Samsung model SGH1577 cellular telephone, bearing serial number R21C466KXH2 (“Subject Phone 2”) (collectively, the “Subject Phones”) for evidence described further in Attachment B, concerning narcotics offenses, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

5. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging JUSTIN R. DAVILA, JASON J. DAVILA, and HADLEY with conspiracy to possess with intent to distribute five kilograms or more of mixtures and substances containing cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and in support of a search warrant for the Subject Phones, 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 and to establish probable cause to believe that evidence of violations of Title 18, United States Code, Section 846 is located on the Subject Phones.

6. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, including an undercover officer, and in law enforcement records, information provided by a confidential source, and review of consensually recorded conversations and meetings.

7. The investigation included the use of consensually recorded telephone calls and audio recorded meetings. The summaries of recorded conversations in this affidavit do not include reference to all of the topics covered during the conversations. Further, quoted material from the recorded conversations as set out in this affidavit is taken from draft summaries, not final transcripts. In addition, the summaries do not include references to all statements made by the speakers on the topics that are described by the speakers. In many of the paragraphs describing calls and meetings set forth below, interpretations of the discussion are included in brackets. These interpretations include meanings attributed to code words, coded language, or vague references used by the speakers. My understanding and interpretation of the conversations is based upon the contents of the conversations, information provided by the confidential source and an undercover officer present for the meetings, the context of both prior and subsequent intercepted conversations, my knowledge derived from this investigation, and my experience and familiarity, and the experience and familiarity of other law enforcement agents, with criminal street gangs and narcotics trafficking organizations.

## **CONFIDENTIAL SOURCE**

8. Part of the information provided in this affidavit has been provided by an ATF confidential source (“CS”). ATF first came into contact with the CS in 2010 when law enforcement officers arrested the CS for delivery of approximately four and a half ounces of cocaine. The CS, however, was not charged after he/she decided to provide ATF with historical information regarding drug trafficking activities in the Cook County, Illinois, area. The CS also agreed to pro-actively cooperate with law enforcement. As a result of his/her cooperation with federal agencies, agents advised the CS that he/she will not be charged for the offense that led to his/her arrest. Prior to the arrest described above, the CS was convicted of aggravated battery with a firearm and also has a juvenile firearms conviction. The CS also advised that prior to working with the ATF in 2010, the CS typically sold a couple ounces of cocaine per week.

9. Since the CS began working with ATF in 2010, the CS has cooperated on drug investigations which have resulted in approximately two arrests, as well as the seizure of approximately ten guns (including four guns in a related, ongoing investigation) and multiple kilograms of heroin, cocaine, and marijuana. The information provided by the CS during this investigation has been reliable. Moreover, the information provided by the CS in this investigation has been corroborated by independently obtained evidence, including physical surveillance, controlled purchases of narcotics, information from other confidential informants, recorded conversations, and public source database searches. In addition, as discussed below, the CS introduced an ATF Task Force Officer, acting in an undercover capacity (“UC”), to the subjects of the investigation. In exchange for the CS’s cooperation in this investigation, ATF and local law enforcement have paid the CS approximately \$35,000 since approximately September 2010.

## INTRODUCTION OF THE UC TO SUBJECTS OF THE INVESTIGATION

10. The CS is a Latin King gang member and introduced the UC to subjects of the investigation as a Latin King gang member.

11. On or about July 27, 2012, in a meeting that was not recorded, the CS introduced the UC to two of the subjects of the investigation. More specifically, according to the UC, at approximately 1:30 p.m. on July 27, 2012 the following events transpired:

- a. the UC and the CS met with JUSTIN R. DAVILA and HADLEY<sup>1</sup> in Joliet;
- b. upon meeting up with the JUSTIN R. DAVILA and HADLEY, the CS explained that the UC and the CS were interested in buying marijuana;
- c. in response to the CS, JUSTIN R. DAVILA stated that one of his fellow gang members had some high-grade marijuana for sale and JUSTIN R. DAVILA agreed to take the UC and the CS to meet that fellow gang member.

12. According to the UC, JUSTIN R. DAVILA and HADLEY then got into the UC's vehicle with the UC and the CS. JUSTIN R. DAVILA then directed the UC to drive to another part of Joliet.

13. According to the UC, upon arriving at the next location, a house in Joliet, at approximately 2:00 p.m. on July 27, 2012, JUSTIN R. DAVILA introduced the UC and the CS to and individual, INDIVIDUAL A, at which time JUSTIN R. DAVILA explained to INDIVIDUAL A that the UC and CS were interested in buying marijuana. According to the UC, INDIVIDUAL A then retrieved a glass jar from a refrigerator, which contained the suspected marijuana, and INDIVIDUAL A explained that the marijuana cost \$20 per gram. According to the UC,

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<sup>1</sup> JUSTIN R. DAVILA and HADLEY were identified by the UC and CS through Illinois driver's license photographs.

INDIVIDUAL A asked the UC how much the UC wanted to purchase and the UC replied that the UC wanted to purchase \$60 worth of marijuana. According to the UC, INDIVIDUAL A removed some suspected marijuana from the glass jar, weighed it on a digital scale, packaged it in a clear plastic baggie, and then handed the clear plastic baggie to the UC. According to the UC, the UC gave INDIVIDUAL A \$60 in exchange for the suspected marijuana.

14. According to the UC, at approximately 2:14 p.m. on July 27, 2012, the UC, the CS, JUSTIN R. DAVILA, and HADLEY departed the location together in the UC's vehicle. According to the UC, while they were driving, JUSTIN R. DAVILA stated that JUSTIN R. DAVILA had some cocaine at JUSTIN R. DAVILA's house and offered to sell some of it to the UC and the CS. According to the UC, the UC and the CS agreed to buy some cocaine from JUSTIN R. DAVILA, who then directed that the UC drive to JUSTIN R. DAVILA's residence in Joliet. According to the UC, when the UC's vehicle arrived at JUSTIN R. DAVILA's residence at approximately 2:30 p.m. on July 27, 2012, HADLEY got out of the UC's vehicle, proceeded to the garage near the residence, and returned to the UC's vehicle less than one minute later. According to the UC, once HADLEY got back into the UC's vehicle, HADLEY asked the UC how much cocaine the UC wanted to purchase and the UC responded that the UC wanted to purchase \$40 worth of cocaine. According to the UC, HADLEY stated that HADLEY had no means to weigh the cocaine to be sold to the UC, but that HADLEY would simply break off a chunk from the larger piece of suspected cocaine. According to the UC, HADLEY broke a small piece of suspected cocaine from the larger piece of cocaine and handed it to the UC. According to the UC, the UC gave HADLEY \$40 in exchange for the suspected cocaine. According to the UC, JUSTIN R. DAVILA and HADLEY then departed the UC's vehicle.

15. According to the UC, JUSTIN R. DAVILA provided his telephone number, (XXX) XXX-9671 (“9671 phone number”), to the UC and told the UC to call if the UC wanted to purchase more cocaine.

16. The UC later conducted a field test of the substance received from INDIVIDUAL A, which tested positive for the presence of marijuana. The UC also later conducted a field test of the substance received from HADLEY, which tested positive for the presence of cocaine.

**17. AUGUST 16, 2012<sup>2</sup> MEETING BETWEEN THE UC, THE CS, AND INDIVIDUAL A**

18. According to the UC, during the evening of August 16, 2012, at the direction of law enforcement agents, the CS contacted INDIVIDUAL A by telephone and the CS and INDIVIDUAL A discussed meeting up later that night. According to the UC, this telephone call was not recorded. However, a law enforcement agent listened in during the telephone call. During this call, the CS and INDIVIDUAL A agreed to meet later that evening in Joliet at approximately 10:30 p.m.

19. At approximately 10:24 p.m., law enforcement agents activated a video recording device inside the UC’s vehicle. According to the UC, the UC then searched the CS for the presence of weapons and contraband and found none. According to the UC, the UC and the CS proceeded in the UC’s vehicle and drove to the location of the meeting with INDIVIDUAL A in Joliet while other law enforcement agents conducted surveillance.

20. According to the UC, law enforcement agents conducting surveillance, and the recording, at approximately 10:27 p.m., the UC and the CS arrived at the location of the meeting with INDIVIDUAL A and remained in the UC’s vehicle. According to the UC, law enforcement agents conducting surveillance, and the recording, at approximately 10:31 p.m., INDIVIDUAL A

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<sup>2</sup> The CS met with JUSTIN R. DAVILA and INDIVIDUAL A on August 3, 2012 in an unrecorded meeting. In addition, the CS met with JUSTIN R. DAVILA and JASON J. DAVILA on August 10, 2012 in a recorded meeting.



walked from a nearby residence and entered the back seat of the UC's vehicle, at which time the UC drove through the streets of Joliet for approximately 10 minutes.

21. According to the UC and the recording, after INDIVIDUAL A got into the UC's vehicle, the UC, the CS, and INDIVIDUAL A engaged in a discussion in which the UC stated to INDIVIDUAL A that the UC was a drug courier for a narcotics trafficking organization and unhappy with the narcotics trafficking organization that employed the UC.

22. According to the UC and the recording, the UC further explained to INDIVIDUAL A that the UC needed an outside crew to conduct a robbery of kilogram amounts of cocaine from the narcotics trafficking organization that employed the UC. More specifically, the UC stated to INDIVIDUAL A that "I got this lick [he has a robbery], dog."

23. According to the UC and the recording, the UC stated to INDIVIDUAL A that the UC usually transports cocaine for the narcotics trafficking organization approximately once every month. More specifically, the UC stated to INDIVIDUAL A that the UC usually picks up a "couple bricks [two kilograms of cocaine]" and that someone from the narcotics trafficking organization tells the UC where to deliver of cocaine.

24. According to the UC and the recording, the UC stated to INDIVIDUAL A that the UC believes that there are three or four other individuals that pick up cocaine in a similar manner to the UC from the narcotics trafficking organization. More specifically, the UC stated to INDIVIDUAL A that "when I go, they [narcotics trafficking organization] usually got like, there's at least three or four mother fuckers [couriers] that pick up like that, so there's usually gotta be like, like uh, about 10 bricks up in there. 10, 15 bricks [there is approximately 10 – 15 kilograms of cocaine inside the house]."

25. According to the UC and the recording, the UC also described to INDIVIDUAL A the manner in which the UC is notified that there is a delivery to be picked up from the narcotics trafficking organization, as follows:

- a. The UC explained that the UC usually receives a telephone call approximately one or two days prior to picking up the cocaine from the narcotics trafficking organization.
- b. The UC further explained that narcotics trafficking organization utilizes different homes in the Chicago area to “stash” its cocaine until all of the cocaine is distributed.
- c. The UC also stated to INDIVIDUAL A that after picking up the cocaine from the narcotics trafficking organization, the UC is then responsible for transporting the cocaine from the Chicago area to different locations.
- d. The UC stated that the narcotics trafficking organization does not advise the UC of the exact location of pick up or “stash house” until an hour or so prior to the designated pick up time.
- e. The UC also stated that when the UC receives that location of the stash house from the narcotics trafficking organization, the UC only has a short time to get to the stash house in order to pick up his load of cocaine.
- f. The UC stated that if the UC fails to get to the stash house within that specific time frame, the narcotics trafficking organization will pack up all the cocaine and move it to another unknown location.

26. According to the UC and the recording, the UC stated to INDIVIDUAL A, “I don’t know if you ever done anything like this [ever committed a robbery before],” to which INDIVIDUAL A responded, “Yeah [he had done this before].”

27. According to the UC and the recording, the UC then stated to INDIVIDUAL A, “And if you ain’t down, that’s cool man. That’s all you gotta say, but I was talking about, you guys figure out how to do it. But like when I get the call next time, cause I go once a month for ‘em.” INDIVIDUAL A then stated “yeah.”

28. According to the UC and the recording, the UC then stated “Then we set it up and we take this shit [we rob the subjects of the cocaine].” In response, INDIVIDUAL A stated “Hell yeah. How much you looking around? Like roughly what’s the least [what is the smallest amount of cocaine that will be in the house]?” The UC responded by stating that “The least, 10 bricks [10 kilograms of cocaine], dog.”

29. According to the UC and the recording, INDIVIDUAL A then asked “it’s scama, right [it’s high quality cocaine, right]?” The UC stated in response “yeah, yeah” and the CS added, “It’s straight butter [good quality cocaine], dog.”

30. According to the UC and the recording, the UC again asked INDIVIDUAL A, “You ever done any shit like that [ever committed an armed robbery before], dog?” INDIVIDUAL A responded, “Yeah, I did something like that.”

31. According to the UC and the recording, INDIVIDUAL A then asked the UC, “What’s these, uh, I’m saying these dudes, what’s their personalities like [what are the subjects guarding the cocaine like]? They, you know what I’m saying?” The UC replied that “I’ve seen the mother fuckers strapped up [carrying firearms] in there before, so you gonna need some toys [firearms], you

know.” The CS then stated to INDIVIDUAL A, “They pussies, dog. You upstrap [take out a firearm] on them niggers, they giving you everything, dog.”

32. According to the UC and the recording, the UC then asked INDIVIDUAL A, “Is this something you all want [are you interested in committing the robbery]?” INDIVIDUAL A replied, “Hell yeah. If it’s for sure. If it’s a brick [kilograms of cocaine] thing.”

33. According to the UC and the recording, the UC then told INDIVIDUAL A they would split the stolen narcotics “50/50.” The UC stated to INDIVIDUAL A, “The least you gonna get is 5, probably like 7, 8 bricks [kilograms of cocaine].”

34. According to the UC and the recording, the UC then asked INDIVIDUAL A if he “got the toys [the firearms]?” INDIVIDUAL A replied “Hell yeah.”

35. According to the UC and the recording, the UC again stated to INDIVIDUAL A, “If it ain’t your thing, just let me know.” In response, INDIVIDUAL A stated “No, no, I’m there. I’m there, just let me know.”

36. According to the UC and the recording, INDIVIDUAL A then exited the UC’s vehicle.

37. After the meeting on August 16, 2012, the UC and INDIVIDUAL A communicated several times in consensually recorded telephone calls. More specifically, in a recorded conversation that occurred on August 21, 2012 at approximately 4:21 p.m., the UC asked INDIVIDUAL A whether INDIVIDUAL A could meet to discuss the proposed robbery, and INDIVIDUAL A responded, “Okay, cool, cool.”

**AUGUST 27, 2012 MEETING BETWEEN THE UC, INDIVIDUAL A, JUSTIN R. DAVILA, AND JASON J. DAVILA**

38. According to the UC, at approximately 4:21 p.m. on August 27, 2012, the UC received a telephone call from INDIVIDUAL A which was consensually recorded. During the

telephone call, the UC and INDIVIDUAL A discussed meeting to further discuss the proposed robbery of the narcotics trafficking organization's stash house. According to the recording of the telephone call, INDIVIDUAL A directed the UC to proceed to a location in Joliet and stated that some of his associates would be at the meeting.

39. According to the UC, the UC activated a portable video recording device on his person and proceeded to the location of the meeting in the UC's vehicle while other law enforcement agents conducted surveillance.

40. According to the UC and the recording, the UC arrived at the meeting location in Joliet at approximately 4:23 p.m. on August 27, 2012. A short time later, a vehicle pulled next to the UC's vehicle and the UC observed that JUSTIN R. DAVILA was driving the vehicle. According to the UC and law enforcement agents conducting surveillance, JUSTIN R. DAVILA waved for the UC to follow JUSTIN R. DAVILA. According to the UC and law enforcement agents conducting surveillance, JUSTIN R. DAVILA then proceed to a tavern located in Joliet, at which time JUSTIN R. DAVILA and the UC exited their respective vehicles.

41. According to the UC and the recording, the UC entered the tavern with JUSTIN R. DAVILA and at approximately 4:27, observed that INDIVIDUAL A and JASON J. DAVILA<sup>3</sup> were already present in the tavern.

42. According to the UC and the recording, the UC purchased a beer for himself and JASON J. DAVILA at the bar, then returned to where INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA were located in the tavern. At that time, according to the UC and the recording, the UC asked INDIVIDUAL A, "you fill these guys in [on the proposed robbery], man?"

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<sup>3</sup> JASON J. DAVILA was identified by the UC through his Illinois driver's license photograph.

INDIVIDUAL A, responded, “Yeah, we gonna holler right now [discuss the robbery during the meeting].”

43. According to the UC and the recording, JUSTIN R. DAVILA then stated, “No disrespect, but before anybody talks, we are going to pat each other down.” The UC responded, “Yeah, for sure, dog.”

44. According to the UC and the recording, JUSTIN R. DAVILA then stated, “You don’t know me and I don’t know you. You can ask [the CS], I did him [patted him down], too.” The UC agreed that it would be a good idea for them to pat each other down and that the UC did not feel disrespected by JUSTIN R. DAVILA’s request. INDIVIDUAL A then added, “We wouldn’t have nothing done we wouldn’t do ourselves.”

45. According to the UC and the recording, at approximately 4:42 p.m., JUSTIN R. DAVILA stated that “we are gonna roll off [leave the tavern] because there are a lot of undercovers and shit coming in here.” JASON J. DAVILA then stated, “We can go in the bathroom and check each other out.” The UC then suggested that they could all “go out back [behind the tavern]” and they that they could pat each other down there.

46. According to the UC, law enforcement agents conducting surveillance, and the recording, the UC, INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA departed the tavern and stood in the parking lot near the UC’s vehicle. At that time, JASON J. DAVILA took off his shoes, lifted up his shirt, and pulled on the waist band of his pants to expose his underwear.

47. According to the UC and the recording, JASON J. DAVILA then stated, “I ain’t got nothing. I’m King loving it to the fullest.”

48. According to the UC, law enforcement agents conducting surveillance, and the recording, the UC then removed his shoes, lifted up his shirt, and dropped his shorts to his knees, at which JASON J. DAVILA patted the UC down.

49. According to the UC, law enforcement agents conducting surveillance, and the recording, INDIVIDUAL A and JUSTIN R. DAVILA then removed their shoes and lifted their shirts, at which time the UC patted down INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA.

50. According to the UC and the recording, JUSTIN R. DAVILA then instructed the UC to remove his watch and place it in the car JUSTIN R. DAVILA drove to the tavern. At that time, JUSTIN R. DAVILA stated, "This is what we do. We gonna take a ride because police trying to burn this brother up."

51. According to the UC and the recording, the UC, INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA also all placed their cellular telephones in the car JUSTIN R. DAVILA drove to the tavern.

52. According to the UC and the recording, JUSTIN R. DAVILA stated that he was "\$1,500 in debt. This is what I need is this little come up." In response, the UC, stated, "We gonna get it, dog."

53. According to the UC, law enforcement agents conducting surveillance, and the recording, the UC, INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA got into the UC's vehicle and the UC asked where the UC should go. In response, JUSTIN R. DAVILA instructed the UC to drive to a wooded area in a park a short distance away in Joliet.

54. According to the UC, law enforcement agents conducting surveillance, and the recording, at approximately 4:58 p.m., the UC, INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA got out of the UC's vehicle and proceeded down a foot trail into a wooded area.

55. According to the UC and the recording, once UC, INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA were a safe distance away from the parking lot, JUSTIN R. DAVILA asked "What's good on the situation [the proposed robbery of the narcotics trafficking organization's stash house]?" INDIVIDUAL A added to the UC, "Yeah, explain it to them. I already know."

56. According to the UC and the recording, the UC then proceeded to described the details of the proposed robbery of the narcotics trafficking organization's stash house. The UC stated that he was been working for some "Arabs" delivering cocaine. The UC stated that the Arabs load the UC up with "three or four bricks [kilograms of cocaine]" and then they punch an address into global positioning satellite (GPS) device. The UC stated that the delivery locations are usually in Ohio or Iowa and that the UC had making deliveries in this manner for about four or five years, but that lately, the Arabs were "fucking around with" the UC's money.

57. According to the UC and the recording, the UC then stated that for the robbery, the UC needs someone who is not related to the UC because members of the narcotics trafficking organization "know my family" and that the robbery must appear that it had nothing to do with the UC.

58. According to the UC and the recording, the UC then described that the narcotics trafficking organization uses other couriers and that there may be as many as 16 or 17 "bricks" [kilograms]of cocaine in the stash house.



59. According to the UC and the recording, the UC stated that when he is called upon to make a delivery, the narcotics trafficking organization contacts the UC in the evening and tells the UC to be ready the next day in the morning. The UC stated that the next morning, the UC receives an address for the stash house, which is different each time.

60. According to the UC and the recording, the UC asked whether INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA could come up with a plan to execute the robbery so it will not appear that the UC had anything to do with it. JUSTIN R. DAVILA then responded by asking, "Are they heavily armed, though?" The UC then stated, "If you got tools [firearms], I'd bring the tools [firearms]." JUSTIN R. DAVILA then stated, "I'm most definitely gonna bring the tools [firearms]." INDIVIDUAL A then added, "If we get the jump on them, they ain't no cowboys. They gonna give it up."

61. According to the UC and the recording, JASON J. DAVILA then stated, "We gonna take something off you [the UC] too, run your pockets" to make it appear that the UC was not involved. The UC responded, "However y'all wanna do it to make it look good."

62. According to the UC and the recording, JUSTIN R. DAVILA asked the UC about the quality of the cocaine that would be found in the stash house, asking "It's all scama [high quality cocaine]?" The UC responded that the cocaine would be of high quality.

63. According to the UC and the recording, JUSTIN R. DAVILA stated that they would need two cars to execute the robbery. More specifically, JUSTIN R. DAVILA stated that one car would be "you know, the car we jump out of" and another car to "lay back." At this point in the meeting, at approximately 5:05 p.m., the UC's recording device failed and the remainder of the meeting was not recorded.

64. According to the UC, INDIVIDUAL A stated that INDIVIDUAL A wanted to use some restraints to tie up the individuals in the stash house so those individuals could not follow them after the robbery. According to the UC, JUSTIN R. DAVILA stated that JUSTIN R. DAVILA wanted to shoot the first guy JUSTIN R. DAVILA sees in the stash house with his .25 caliber handgun, so the individuals in the stash house will know he “means business.”

65. According to the UC, the UC then asked INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA whether they were “for sure” up to committing the robbery and all three affirmed that that they were ready and wanted to go through with the robbery. According to the UC, the UC again asked whether they had done something like this before and INDIVIDUAL A stated that they had not hit anything this big before, but that they had robbed some smaller time dealers for a “kilo or two.”

66. According to the UC, he stated to INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA that the UC expected to hear from the narcotics trafficking organization in about a week and that the UC would call INDIVIDUAL A once that occurred. According to the UC, JUSTIN R. DAVILA reminded the UC of JUSTIN R. DAVILA’s 9671 phone number, in case the UC could not reach INDIVIDUAL A.

67. According to the UC and law enforcement agents conducting surveillance, at approximately 5:10 p.m., the UC, INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA returned on foot to the UC’s vehicle. The UC, INDIVIDUAL A, JUSTIN R. DAVILA, and JASON J. DAVILA then got into the UC’s vehicle and drove back to the tavern to retrieve the UC’s watch and cellular telephone from the vehicle that JUSTIN R. DAVILA had driven to the tavern. The UC then departed the tavern in the UC’s vehicle.

**SEPTEMBER 5, 2012 MEETING BETWEEN THE UC, THE CS, AND INDIVIDUAL A**

68. On September 5, 2012 at approximately 1:36 p.m., the UC had a consensually recorded telephone conversation with INDIVIDUAL A. According to the UC and the recording of the call, the UC and INDIVIDUAL A discussed the following:

- a. The UC advised INDIVIDUAL A that the UC “received a call” and that the UC wanted to talk to INDIVIDUAL A, but did not want to talk over the telephone.
- b. In response, INDIVIDUAL A stated that INDIVIDUAL A would be available to meet after 4:30 p.m. that same day. In addition, INDIVIDUAL A stated to the UC that he had “cush [marijuana]” for sale at \$20 per gram.

69. On September 5, 2012 at approximately 4:57 p.m., the UC had a consensually recorded telephone conversation with INDIVIDUAL A. According to the UC and the recording of the call, the UC and INDIVIDUAL A discussed plans to meet later that evening.

70. On September 5, 2012 at approximately 5:53 p.m., while in the presence of the UC, the CS sent INDIVIDUAL A a text message stating, “Just left da mall, heading towards you,” to which INDIVIDUAL A replied, “Bet.” The UC was present as the CS received and sent the above-referenced text messages and a law enforcement agent took photographs of the text messages.

71. According to the UC and law enforcement agents conducting surveillance, on September 5, 2012 at approximately 6:03 p.m., the UC and the CS arrived in the UC’s vehicle in the vicinity of INDIVIDUAL A’s residence in Joliet. Prior to arriving at that location, the UC activated a recording device located in the interior of the UC’s vehicle. According to the UC and the recording, the CS called INDIVIDUAL A and advised INDIVIDUAL A that the UC and the CS were outside.

72. According to the UC, law enforcement agents conducting surveillance, and the recording, on September 5, 2012 at approximately 6:05 p.m., INDIVIDUAL A approached the UC's vehicle on foot and got into the rear passenger seat of the vehicle.

73. According to the UC and the recording, INDIVIDUAL A handed the CS a clear ziplock bag containing a green leafy substance after entering the UC's vehicle. INDIVIDUAL A then stated that he was selling "eighths [eighths of an ounce]" for \$50 and "quarters [quarters of an ounce]" for \$90.

74. According to the UC and the recording, the UC then told INDIVIDUAL A "I got a call [from the narcotics trafficking organization], dog." In addition, the UC explained that the anticipated pick up was going to be "early next week."

75. According to the UC and the recording, in response, INDIVIDUAL A stated, "So beginning of next week around Monday or Tuesday?" The UC stated that INDIVIDUAL A should be "be ready Sunday or Monday."

76. According to the UC and the recording, INDIVIDUAL A stated "That be cool, let's get to it [rob the stash house of cocaine]." The UC then stated to INDIVIDUAL A, "I didn't wanna say it over the phone, but, yeah. You all be ready, everything good?" In response, INDIVIDUAL A stated, "Hell yeah, everything good, good to go."

77. According to the UC and the recording, the UC then asked INDIVIDUAL A if "You got them straps [firearms] and everything, dog?" INDIVIDUAL A replied, "Yep."

78. According to the UC and the recording, the UC and Individual A then discussed transportation for the proposed robbery of the narcotics trafficking organization's stash house. More specifically, the UC and INDIVIDUAL A discussed the following:

- a. The UC asked, “What about cars? I know Fatman [JUSTIN R. DAVILA] was saying you all want cars.”
- b. INDIVIDUAL A replied, “We’ll be able to get ‘em, we’re straight, we’ll get a couple.”
- c. The UC then stated, “You’ll get a couple of em, you didn’t need [the CS] to get one?”
- d. INDIVIDUAL A responded, “Shit, if you can get one that would be even better, but shit, I’ll get one for sure.”
- e. When the UC mentioned the possibility of the CS getting a rental car, INDIVIDUAL A stated, “If you can get the rental car, that would be even better. A little soccer mom car. That would be even better.”
- f. The UC then stated “That’s what Fatman [JUSTIN AVILA] be talking about. That’s what he was talking about right? He was saying something about two cars or some shit.”
- g. INDIVIDUAL A stated “We gonna follow each other. We’re gonna have one with, you know what I’m saying? The other one’s gonna be naked.”
- h. The UC stated “The other car gonna lay back?”
- i. INDIVIDUAL A stated “Yeah.”

79. According to the UC and the recording, the UC then stated to INDIVIDUAL A “I’m kinda nervous about this shit, you know what I mean?” INDIVIDUAL A stated, “That’s natural, though.”

80. According to the UC and the recording, the UC stated “I just wanna make sure you all still good.” INDIVIDUAL A replied, “Yeah.”

81. According to the UC and the recording, the UC and the CS agreed to buy \$60 worth of marijuana from INDIVIDUAL A and the CS handed INDIVIDUAL A \$60 in United States currency. According the UC, law enforcement agents conducting surveillance, and the recording, INDIVIDUAL A then exited the vehicle and went into his residence.

82. According the UC, law enforcement agents conducting surveillance, and the recording, at approximately 6:18 p.m. on September 5, 2012, INDIVIDUAL A exited his residence and returned to the UC's vehicle on foot and Individual A then handed the UC a clear plastic bag containing a green leafy substance.

83. According the UC, law enforcement agents conducting surveillance, and the recording, the UC and the CS departed the area in the UC's vehicle after receiving the suspected marijuana from INDIVIDUAL A.

84. The UC later conducted a field test of the substance received from INDIVIDUAL A, which tested positive for the presence of marijuana.

#### **EVENTS OF SEPTEMBER 10, 2012**

85. On September 10, 2012 at approximately 11:30 a.m., the CS spoke with JUSTIN R. DAVILA in a consensually recorded telephone call in which JUSTIN R. DAVILA was using a telephone with the telephone number (779) 456-9671, which JUSTIN R. DAVILA had supplied to the UC during the previous meetings occurring on July 27, 2012 and August 27, 2012. During the telephone call, JUSTIN R. DAVILA advised that INDIVIDUAL A was not going to participate in the robbery.

86. On September 10, 2012 at approximately 1:30 p.m., the CS spoke with JUSTIN R. DAVILA in a consensually recorded telephone call. Again, JUSTIN R. DAVILA used a telephone with the telephone number (779) 456-9671. According to the recording, during the telephone call,

JUSTIN R. DAVILA stated words to the effect of: JUSTIN R. DAVILA is waiting on a guy to drop off a thing [gun] and if he don't drop it off I am going to be empty handed. According to the UC and the recording, JUSTIN R. DAVILA also stated, "I am trying to get another person on my team [group doing the robbery]" because INDIVIDUAL A was not going to participate.

87. On September 10, 2012, at approximately 1:30 p.m., law enforcement agents met with the CS at a pre-determined staging location in Joliet to prepare for the proposed robbery. At that time, law enforcement agents searched both the CS and the CS's vehicle for weapons and contraband and found none. In addition, law enforcement agents provided the CS with a portable recording device.

88. According to the CS, at approximately 3:50 p.m. on September 10, 2012, the CS arrived at the Joliet residence of JUSTIN R. DAVILA and JASON J. DAVILA. According to the CS, the CS initially parked the CS's car in the driveway to the residence and observed JUSTIN R. DAVILA, JASON J. DAVILA, HADLEY, and a fourth person, INDIVIDUAL B. According the CS, INDIVIDUAL B did not seem to be aware of the proposed robbery and was told to leave by JUSTIN R. DAVILA.

89. According to the CS, the CS then moved the CS's car from the driveway to allow INDIVIDUAL B to depart the residence.

90. According to the CS and the recording, after INDIVIDUAL B departed and the CS parked the CS's vehicle, JUSTIN R. DAVILA stated words to the effect of: You know the routine, dog, and you have to strip down.

91. According to the CS, in response, the CS lifted the CS's shirt and started to pull down the CS's pants to show that the CS was not wearing a recording device. According to the CS and the

recording, as the CS began pulling the CS's pants down, HADLEY told the CS to stop and that it would not be necessary.

92. According to the CS and the recording, JUSTIN R. DAVILA asked, "What's up, am I gonna have to shoot a nigger?" According to the CS and the recording, the CS stated that "It [shooting] was not required, but if shit gets out of hand." According to the CS and the recording, JUSTIN R. DAVILA then stated, "I just wanna hit this lick [robbery] and come straight back to town."

93. According to the CS, HADLEY stated words to the effect of: I heard we may have to shoot these "niggas." According to the CS, HADLEY also asked whether two guns would be enough to conduct the robbery. According to the CS, HADLEY then stated words to the effect of "There's nothing else to talk about. Let's go."

94. According to the CS, JUSTIN R. DAVILA and HADLEY demanded that the CS produce his driver's license and that JUSTIN R. DAVILA and JASON J. DAVILA were going to hold onto it for the duration of the robbery. According to the CS, the CS produced a driver's license and handed it JASON J. DAVILA, who took it into the residence.

95. According to the CS and the recording, HADLEY asked the CS, "Is the shit [cocaine] right there or you got to find it or what?" According to the CS and the recording, JUSTIN R. DAVILA asks, "Are we gonna do [rob] the crib [stash house] or [the UC]?"

96. According to the CS and the recording, the CS tells JUSTIN R. DAVILA and HADLEY that the UC will "break it down for them" and that "there is work [cocaine] and there is gonna be bread [money] there."

97. According to the CS and the recording, HADLEY then stated words to the effect of "I don't understand why a mother fucker would make moves like that and not be ready for war [why



the narcotics trafficking organization would have kilogram quantities on hand and not be ready for a robbery].” According to the CS and the recording, the CS then stated words to the effect of: I’m telling y’all niggas might have to light some mother fuckers up” to which HADLEY responded, “I like that.” According to the CS, HADLEY also asked if they should wear masks during the robbery.

98. According to the CS, the CS told JUSTIN R. DAVILA, JASON J. DAVILA, and HADLEY that the CS wanted to put the guns in the trunk of the CS’s vehicle while they were driving. According to the CS and the recording, HADLEY stated words to the effect of “We can put ‘em in the hood. If we get stopped they [the police] don’t check the hood.”

99. According to the CS, HADLEY entered the residence briefly and then came back outside with the guns concealed under HADLEY’s shirt. According to the CS, HADLEY approached the CS’s vehicle and then placed two handguns in the air filter under the hood of the CS’s vehicle. According to the CS, the CS maneuvered the two handguns slightly to allow the air filter in the CS’s vehicle to be fully closed.

100. According to the CS, after the two handguns were secured under the hood of the CS’s vehicle, JUSTIN R. DAVILA asked how much money and cocaine was going to be in the stash house. According to the CS, the CS replied that the CS would let the UC do the talking.

101. According to the CS, the CS stated to JUSTIN R. DAVILA, JASON J. DAVILA, and HADLEY that they needed to depart Joliet and proceed to Interstate Route 55. According to the CS, JUSTIN R. DAVILA, JASON J. DAVILA, and HADLEY then got into the CS’s vehicle with JUSTIN R. DAVILA in the front passenger seat and JASON J. DAVILA and HADLEY in the back seat.

102. According to the CS, the CS drove and JUSTIN R. DAVILA provided directions as to how to get to Interstate Route 55 by way of Illinois Route 53 through Romeoville.

103. According to the CS, JUSTIN R. DAVILA told JASON J. DAVILA to “Get on his shit,” which according to the CS was an instruction to JASON J. DAVILA to look out for law enforcement.

104. According to the CS and law enforcement agents conducting surveillance, the CS’s vehicle proceeded onto Illinois Route 53 in Joliet.

105. According to the CS, as the CS’s vehicle proceeded on Illinois Route 53, JUSTIN R. DAVILA became concerned about a vehicle that JUSTIN R. DAVILA believed was conducting surveillance of the CS’s vehicle. According to the CS, JUSTIN R. DAVILA directed the CS to pull off Illinois Route 53 and into the parking lot of a pharmacy/grocery store because JUSTIN R. DAVILA was “thirsty.” According to the CS, the CS did as directed and once the CS’s vehicle was parked, the CS, JUSTIN R. DAVILA, JASON J. DAVILA, and HADLEY entered the pharmacy/grocery store and purchase something to drink. According to the CS, JUSTIN R. DAVILA, JASON J. DAVILA, and HADLEY got back into the CS’s vehicle after a couple of minutes and the CS’s began driving the CS’s vehicle again on Illinois Route 53.

106. According to the CS, shortly after the CS’s vehicle returned to the roadway, JUSTIN R. DAVILA reacted to a vehicle that JUSTIN R. DAVILA believed was conducting surveillance minutes before. According to the CS, JUSTIN R. DAVILA stated to JASON J. DAVILA and HADLEY words to the effect of: check it out. According to the CS, JASON J. DAVILA then told the CS to turn into a gas station because JASON J. DAVILA had to use the bathroom.

107. According to the CS, the CS steered the CS’s vehicle into a gas station parking lot. According to the CS, as the CS was pulling into the gas station parking lot, the vehicle that JUSTIN R. DAVILA believed was conducting surveillance passed the CS’s vehicle and JUSTIN R.

DAVILA, JASON J. DAVILA, and HADLEY agreed that the vehicle was the same one that they had seen minutes before.

108. According to the CS, the CS entered the gas station with JASON J. DAVILA, while JUSTIN R. DAVILA and HADLEY remained near the CS's vehicle. According to the CS, JASON J. DAVILA was near the window of the gas station looking around the area.

109. Shortly thereafter, law enforcement agents conducting surveillance arrested JUSTIN R. DAVILA, JASON J. DAVILA, and HADLEY.

110. Incident to the arrest of JUSTIN R. DAVILA, law enforcement agents conducted a search of JUSTIN R. DAVILA's clothing. During the search, law enforcement agents found Subject Phone 1.

111. Incident to the arrest of JASON J. DAVILA, law enforcement agents conducted a search of JASON J. DAVILA's clothing. During the search, law enforcement agents found Subject Phone 2.

112. After placing JUSTIN R. DAVILA, JASON J. DAVILA, and HADLEY into custody, law enforcement agents searched the CS's vehicle. During the search, the following firearms and ammunition were discovered in the air filter of the CS's vehicle:

- a. a Phoenix Arms model Raven .25 caliber semiautomatic handgun bearing serial number 3114821, which was loaded with six rounds of Hornady .25 caliber ammunition; and
- b. a Glock model 27 .40 caliber semiautomatic handgun with the serial number obliterated, which was loaded with nine rounds of Federal .40 caliber ammunition.

113. Following their arrest, JUSTIN R. DAVILA and JASON J. DAVILA were advised of their *Miranda* rights. During questioning by law enforcement agents, both JUSTIN R. DAVILA and JASON J. DAVILA admitted that they were planning to execute a robbery of a narcotics trafficking organization's stash house. In addition, JUSTIN R. DAVILA stated that HADLEY obtained firearms for the robbery.

114. Following his arrest, HADLEY was advised of his *Miranda* rights. During questioning by law enforcement agents, HADLEY made a statement to the effect of "When I get out of prison, I won't be committing any more licks [robberies]."

#### **SEARCH OF THE SUBJECT PHONES**

115. As discussed above, on September 10, 2012, during the arrest JUSTIN R. DAVILA and JASON J. DAVILA in this investigation, law enforcement recovered two cellular telephones – namely, a black T-Mobile MyTouch cellular telephone, serial number SH19SRM07548 and a black Samsung model SGH1577 cellular telephone, serial number R21C466KXH2 ("the Subject Phones").

116. As discussed above, JUSTIN R. DAVILA advised the UC that he could be reached at telephone number (XXX) XXX-9671 ("9671 phone number") and that the UC could contact him at that number to discuss purchases of cocaine and plans for the robbery.

117. In addition, as discussed above, a few hours prior to his arrest, JUSTIN R. DAVILA used a telephone with the 9671 phone number to communicate with the UC regarding details of the planned robbery.

118. Since September 10, 2012, the above-described Subject Phones have been in the government's custody.

119. At the time of arrest, data stored on the Subject Phones, including text and voice mail messages sent and received by the defendants during the course of the commission of the narcotics offenses, were not known.

120. Based upon my training and experience, I know that cellular phones may contain relevant evidence of the narcotics offenses, including text messages made or received from the Subject Phones that are located in the memory of the Subject Phones, which messages may provide information regarding the identities of, and the methods and means of operation and communication used by, the participants in the narcotics offenses. Moreover, digital photographs located in the memory of the Subject Phones may contain images of the tools or participants involved in the narcotics offenses. Moreover, digital photographs stored in the Subject Phones may contain images of the user of the Subject Phones, the user's associates (including persons involved in or knowledgeable about the subject offenses), places frequented by the user of the phone leading up to and during the subject offenses, and locations and instrumentalities used in committing the subject offenses.

121. Through experience as a law enforcement officer and through the experience of other law enforcement officers as conveyed to me, I have learned that individuals involved in criminal offenses, including conspiracies to possess and distribute narcotics, commonly use cellular telephones as a means to communicate. For example, within a few hours of his arrest, JUSTIN R. DAVILA used Subject Phone 1 to communicate with the UC regarding the planned robbery of a narcotics trafficking organization's stash house. Individuals involved in criminal offenses, including conspiracies to possess and distribute narcotics, also often store telephone numbers and names or nicknames of fellow conspirators on their telephones and the telephones also reflect recent call

history. Finally, individuals often use text messaging and digital photographs in furtherance of their criminal activity that are stored on cellular telephones.

## CONCLUSION

122. Based on the foregoing, your affiant submits that there is probable cause to believe that JUSTIN R. DAVILA, JASON J. DAVILA, and NIEKO E. HADLEY did conspire with each other and with others known and unknown, to knowingly and intentionally possess with intent to distribute a controlled substance, namely, five kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1), in violation of Title 21, United States Code, Section 846.

123. Furthermore, because, as explained above, the Subject Phones are associated with the subject(s) in this case, because there was telephonic communication between participants involved in the narcotics offenses, and because, in my experience and in the experience of other agents, defendants use telephones to contact co-conspirators, there is probable cause to believe the Subject Phones, described further in Attachment A, contain evidence of violations of narcotics offenses.  
FURTHER AFFIANT SAYETH NOT.

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JACOB CASALI  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms,  
and Explosives

SUBSCRIBED AND SWORN to before me on September 11, 2012.

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ARLANDER KEYS  
United States Magistrate Judge