
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

DOMINGO MACEDO, Jr. also known as "Gordo"

UNDER SEAL

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: On or about January 7, 2012, in the Northern District of Illinois, Eastern Division and elsewhere, DOMINGO MACEDO, Jr., also known as "Gordo", defendant herein:

did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance,

in violation of Title 21, United States Code, Section 841(a)(1). I further state that I am a Special Agent with the Drug Enforcement Administration, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
B. Colin Dickey
Special Agent, Drug Enforcement Administration

Sworn to before me and subscribed in my presence,

September 18, 2012 at Chicago, Illinois
Date City and State

Maria Valdez, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) ss
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I. INTRODUCTION

I, B. Colin Dickey, Special Agent of the Drug Enforcement Administration, United States Department of Justice, having been duly sworn under oath, state as follows:

1. I am a Special Agent with the Drug Enforcement Administration (“DEA”) and have been so employed since approximately 2004. As part of my official duties, I investigate criminal violations of federal narcotics laws, including, but not limited to, Title 21, United States Code, Sections 841 and 846. I have received special training in the enforcement of laws concerning controlled substances. I am familiar with and have participated in all of the normal methods of investigation including, but not limited to, search warrants, visual surveillance, electronic surveillance, the debriefing of defendants, witnesses, informants and others who have knowledge of the distribution of controlled substances, as well as the use of informants. Based on my training and experience, I am familiar with the ways in which drug traffickers conduct their drug-related business, including, but not limited to, their methods of distributing narcotics, their use of telephones, and their use of code words to identify themselves and the nature of their communications.

2. The statements contained in this Affidavit are based on: (a) my personal participation in this investigation; (b) information provided to me by other federal, state, and local law enforcement officers; (c) my training and experience and the training and experience of other law enforcement agents with whom I have spoken; (d) information derived from the court-authorized interception of wire communications; (e) consensually recorded conversations; (f) physical

surveillance conducted by law enforcement agents and officers, which I have either participated in or has been reported to me either directly or indirectly; (g) analyses of telephone toll records, pen register and trap and trace data and cell site information; (h) information derived from law enforcement and commercial database records; (i) information derived from criminal history records maintained by the Chicago Police Department, Illinois State Police and National Crime Information Center; (j) drivers' license and automobile registration records from various states, including records of the Illinois Secretary of State; (k) information provided by cooperating sources, witnesses and other individuals; and (l) laboratory analysis reports.

3. This affidavit is submitted in support of a criminal complaint alleging that on or about January 7, 2012, DOMINGO MACEDO, Jr., also known as "Gordo," did knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MACEDO committed the offenses alleged in the complaint.

II. BACKGROUND

4. DEA agents have received information from a confidential source ("CS-1")¹ regarding the drug trafficking and money laundering activities of a Mexican based drug trafficking

¹ According to a criminal history database check, CS-1 has no prior arrests or convictions. CS-1 is currently cooperating with DEA for monetary compensation. To date, CS-1 has been paid approximately \$23,000.

organization (“the DTO”). According to CS-1, since at least 2010 until on or about July 2012,² a high ranking member of the DTO who was located in Mexico (the “Mexican SOS”) oversaw, on behalf of the DTO, the distribution of large quantities of cocaine and heroin and the collection of large quantities of drug proceeds in multiple locations in the United States, including Chicago, Illinois, Atlanta, Georgia and elsewhere.

5. According to CS-1, in 2011, the Mexican SOS contacted CS-1 and asked CS-1 to further drug trafficking and money laundering operations on behalf of the DTO in the Chicago area. The Mexican SOS advised that CS-1 would be responsible for the collection, counting and disbursement of monies derived from the sale of cocaine by the DTO in Chicago. CS-1 agreed and worked for the DTO in Chicago, while under the supervision of DEA, from approximately December 2011 to January 2012.

6. As set forth in greater detail below, the information provided by CS-1 has been corroborated by independent investigation, including physical surveillance, consensually recorded telephone calls and text messages, meetings between CS-1 and members of the DTO, including MACEDO, controlled narcotics transactions with members of the DTO, including MACEDO, and field and laboratory tests indicating the presence of cocaine.

7. At various times between December 6, 2011 and February 2, 2012, DEA intercepted all consensual wire and electronic communications over Subject Phone 1, Subject Phone 2, Subject Phone 3 and Subject Phone 5, all of which were used by CS-1, pursuant to interception orders signed by the Chief Judge or Acting Chief Judge for the United States District Court for the Northern

² According to CS-1 and Mexican media sources, in approximately July 2012, the Mexican SOS was killed in Mexico.

District of Illinois.³

8. As set forth in further detail below, based on: (a) the court authorized consensually intercepted telephone calls and electronic communications, (b) physical surveillance, (c) analysis of pen register and trap and trace data, (d) analysis of information provided by CS-1, (e) meetings between MACEDO and CS-1, (f) a controlled cocaine transaction with MACEDO on January 7, 2012, and (g) a meeting with MACEDO on January 21, 2012, in which MACEDO provided narcotics proceeds to CS-1, DEA agents identified MACEDO as a narcotics distributor and money courier in the United States for the DTO.

III. FACTS ESTABLISHING PROBABLE CAUSE

9. In summary, as described more below, on January 7, 2012, MACEDO⁴ obtained one kilogram of cocaine from CS-1 under the direction and control of DEA. Thereafter, on January 21, 2012, MACEDO delivered approximately \$3,000 in proceeds from his sale of that cocaine to CS-1, which were turned over to DEA.

A. MACEDO Obtained One Kilogram of Cocaine from CS-1 on January 7, 2012

³ The call summaries in this affidavit that include a “session” number refer to telephone calls that were intercepted pursuant to one of the above-referenced court orders.

⁴ The identification of MACEDO in this Affidavit is based on the following: CS-1 identified a photograph and the voice of MACEDO following the recorded calls described in this Affidavit. During recorded conversations, MACEDO arranged to personally meet with CS-1 to complete narcotics and currency transactions on January 7, 2012, and January 21, 2012, and surveillance subsequently observed MACEDO meet with CS-1 on those dates. During the January 7, 2012, and January 21, 2012 transactions with CS-1, agents conducted surveillance compared the photographs from surveillance to a driver’s license photograph and prior booking photograph of MACEDO. During an investigative stop on June 5, 2012, MACEDO provided identification documents in the name of “Domingo MACEDO, Jr.” DEA linguists compared the voice intercepted over Target Phone 1 and Target Phones 11 and 14 and concluded the user of the telephones was the same person. On March 27, 2012, DEA agents placed a ruse call to MACEDO over Target Phone 11, while MACEDO was under surveillance, and observed MACEDO use the telephone at the time of the ruse call.

10. On January 7, 2012, at approximately 9:31 a.m., CS-1, using Subject Phone 1, received a text message (Call #52842) from the Mexican SOS, who was using Blackberry PIN number 25f7XXXX.⁵ The Mexican SOS texted, “708 243 4834 Gordo’s [MACEDO, Jr.] number 111*385*XXX Gordo’s radio [Target Phone 1]. Please reach out and the sooner the guy [cocaine] leaves... So it’s [cocaine] not in your house anymore.” CS-1 texted, “Thank you, I’ll be calling big cheeks, chubby [MACEDO] right now.

11. At approximately 10:28 a.m., CS-1, using Subject Phone 1, made an outgoing call (Call #15550) to MACEDO, who was using Target Phone 1. During this call, CS-1 said, “I was calling you because [the Mexican SOS] called me and told me that you were going to come to visit me. I don’t know if you want to meet at the house [stash house] or if you want to meet at a shopping center that’s near the house.” Later in the conversation, MACEDO said, “No, No. Do what you have to do and then call me.” CS-1 replied, “Okay. Anyways this guy [kilogram of cocaine] is lazy. He is just sitting there [available]. It’s not a problem.” MACEDO responded, “Alright then.”

12. At approximately 10:58 a.m., CS-1, using Subject Phone 1, sent a text message (Call #52842) to the Mexican SOS, who was using Blackberry PIN number 25f73de6. CS-1 texted,

⁵ Some of the consensually-recorded and intercepted conversations (hereinafter “recorded conversations”) have been summarized in this Affidavit. The language that is quoted from the recorded conversations throughout this Affidavit is based upon a preliminary review of the recorded conversations, and not on final transcripts of the recorded conversations. The times listed for the recorded conversations are approximate. The summaries do not include all statements or topics covered during the course of the recorded conversations. At various points in the Affidavit I have included in brackets my interpretation of words and phrases used in the recorded conversations. My interpretations are based on information received from CS-1, the contents and context of the recorded conversations, events occurring before and after the conversations, my knowledge of the investigation as a whole, my experience and training, and the experience and training of other law enforcement agents in this investigation. Unless otherwise noted, the intercepted conversations contained herein are all in the Spanish language. For these interceptions, I have at time relied on draft - not final - English translations of conversations in Spanish done by DEA agents and/or interpreters contracted by DEA. Italicized words appearing in such summaries were spoken in English.

“Hey, Gordito [MACEDO] is not giving me anything [money]? the Mexican SOS replied, “No, it can just like that [fronting cocaine]. I just want for the guy [cocaine] to not be there with you anymore.”

13. At approximately 12:30 p.m., CS-1, using Subject Phone 1, made an outgoing call (Call #15551) to MACEDO, who was using Target Phone 1. During the call, CS-1 asked, “Like I said, do you want to come to the house [stash house] or there is a shopping center close to the house? There is a liquor store. There is a Thai food place and a Mexican restaurant. I’m just going to give you the bag [containing a kilogram of cocaine].” MACEDO replied, “Uh huh.” CS-1 and MACEDO continue to discuss where to meet. MACEDO said, “Alright then. You know what? Outside there.” CS-1 asked, “Of the Denny’s [restaurant]?” MACEDO replied, “Yes. Outside.” MACEDO then said, “I’ll call you once I’m close and we can go for a ride. You can jump in with me.” CS-1 responded, “No, No, No. Right there and then. I mean, it’s going to look more suspicious if I jump in with you.” MACEDO said, “Alright then.” CS-1 told MACEDO, “Just greet me. Bring an empty bag and... I don’t know if you want an empty bag or you just greet me and I’ll open the truck and I’ll give it [kilogram of cocaine] to you.” MACEDO said, “Alright then. Do you have a gift bag?” CS-1 said, “A gift bag? I think I have one from Nordstrom or... Let me see what kind of bag. Call me in like 10 minutes and I’ll tell you what color the bag is going to be.” MACEDO said, “Okay.”

14. At approximately 1:08 p.m., MACEDO, using Target Phone 1, made an outgoing call (Call #15554) to CS-1, who was using Subject Phone 1. MACEDO said, “Okay, give me like fifteen minutes to get there. Is that okay?” CS-1 replied, “Oh, okay. That’s fine.” CS-1 later asked, “What car do you have?” MACEDO said, “Uh, a red truck. Uh, burgundy in color. Small.” MACEDO later

stated, “Uh, Liber... A Jeep Liberty.”

15. Prior to the meeting with MACEDO, DEA agents searched CS-1 and his/her vehicle for contraband and excess money with negative results. DEA agents equipped CS-1 with audio recording equipment and provided CS-1 with one kilogram of cocaine that was packaged inside a department store bag.⁶ DEA agents maintained continuous surveillance of CS-1.

16. At approximately 1:35 p.m., surveillance observed a Jeep Liberty (hereinafter “the Jeep Liberty”) arrive and park near CS-1’s vehicle at the Denny’s parking lot located on the 4600 block of North Harlem Avenue, Norridge, Illinois. MACEDO exited the Jeep Liberty and met CS-1.

17. According to the audio recording, during the meeting, CS-1 said, “Hadn’t given you your birthday... Your Christmas gift [bag containing a kilogram of cocaine].” MACEDO replied, “Just give me a hug.” CS-1 said, “There you go [handing MACEDO the bag containing approximately one kilogram of cocaine].” MACEDO said, “So then. Uh, I’ll give you a call in a few days. Either way, I’ll continue to call you from this number [Target Phone 1]. Later in the conversation MACEDO commented, “I’m also going to change it [Target Phone 1]. So then we can meet somewhere.” CS-1 said, “Uh-huh.” MACEDO continued, “Next time. So that way... Before, before I change it, we’ll meet somewhere and, uh. And so we can make arrangements about where we’re going to meet and not say anything on the phone.”

18. At approximately 1:37 p.m., surveillance observed CS-1 open the trunk of his/her vehicle and handed MACEDO a silver department store bag that contained approximately one kilogram of cocaine. MACEDO, while carrying the silver department store bag, left the area in the

⁶ On January 4, 2012, Individual A supplied CS-1 with two rectangular-shaped packages wrapped in black tape and covered in a greasy substance. The packages contained a white, powdery substance, which later field tested positive for the presence of cocaine. DEA took custody of the two packages of cocaine.

Jeep Liberty.

19. After the meeting at approximately 1:40 p.m., surveillance observed MACEDO in the Jeep Liberty driving in a circuitous manner, consistent with counter-surveillance techniques, and eventually park in the area of his residence located on the 2000 block of North Damen Avenue, Chicago, Illinois.⁷

20. After the meeting with MACEDO, CS-1 met with DEA agents at a pre-determined location. DEA agents searched CS-1 for contraband and excess money, with negative results. DEA agents recovered the recording equipment.

21. On January 8, 2012 at approximately 5:01 p.m., MACEDO, using Target Phone 1, made an outgoing call (Call #15570) to CS-1, who was using Subject Phone 1. MACEDO said, "This is the guy from yesterday." MACEDO asked, "Can you have [the Mexican SOS] call me? I've been trying to call him but his phone isn't working." CS-1 responded, "Okay, I'll call him right now."

22. At approximately 5:04 p.m., CS-1, using Subject Phone 1, sent a text message (Call #52870) to the Mexican SOS, who was using Blackberry PIN number 25f73de6. CS-1 texted, "Gordo [MACEDO] is trying to reach out to you and you're not answering. I also tried and your radio is turned off. Turn it on. Call Gordo [MACEDO]. He wants to talk to you." the Mexican SOS responded by text, "Okay, tell him that I don't have the radio on right now."

23. At approximately 5:10 p.m., CS-1, using Subject Phone 1, made an outgoing call to MACEDO, who was using Target Phone 1. During the call CS-1 relayed, "Yes, I already called him but he [the Mexican SOS] said he doesn't have a radio signal. MACEDO replied, "Uh huh. Because

⁷ According to a public database search, MACEDO, Jr. is a resident of that address.

I've been trying to call him and it doesn't go through." CS-1 asked, "Yeah, do you want me to give him a message?" MACEDO stated, "No. He [the Mexican SOS] already knows. Just have him call me once he has reception."

24. At approximately 5:36 p.m., the Mexican SOS, using Blackberry PIN number 25f73de6, sent a text message (Call # 52869) to CS-1, who was using Subject Phone 1. In this message the Mexican SOS texted, "Okay I'll call him [MACEDO]."

B. MACEDO Delivered Narcotics Proceeds to CS-1 on January 21, 2012

25. On January 20, 2012 at approximately 1:44 p.m., MACEDO, using Target Phone 1, made an outgoing call (Call #127) to CS-1, who was using Subject Phone 5. In this call CS-1 said, "[the Mexican SOS] called me and told me that you were going to bring me some ... [money for the kilogram of cocaine provided on January 7, 2012]." MACEDO replied, "Yeah, I'm going to take you something, but I think until later on. I'm waiting for a friend [drug associate] to bring me more [drug proceeds]. Well, not much is owed now but I think they're going to give me whatever is owed to me tonight." CS-1 asked, "Oh. Okay. About how late?" MACEDO said, "You know what, go do whatever you have to do and when the guy comes... Because he's coming from Rockford. So, I'll call you when he comes."

26. At approximately 6:11 p.m., MACEDO, using Target Phone 1, made an outgoing call (Call #133) to CS-1, who was using Subject Phone 5. In this call MACEDO said, "I just picked up like 2 bucks [\$2,000 in drug proceeds] in case you need them and I'll see again later but if you need the 2 bucks [\$2,000] I can stop by to drop them off." CS-1 replied, "Well, altogether [all the payment at once] so you don't make more trips." Later in the conversation CS-1 and MACEDO agreed to meet the following day.

27. On January 21, 2012 at approximately 12:52 p.m., MACEDO, using Target Phone 1, made an outgoing call (Call #142) to CS-1, who was using Subject Phone 5. MACEDO said, "The guy [drug associate] told me he'd meet up with me between 2:00 to 2:30 and afterwards I'll head towards you ma'am." CS-1 asked, "Between 2:00 to 2:30? So then we'll meet up between 3:00 to 3:30?" MACEDO said, "Yes."

28. At approximately 2:37 p.m., CS-1, using Subject Phone 5, made an outgoing call (Call #143) to MACEDO, who was using Target Phone 1. In this call CS-1 asked, "Hi. I'm getting ready. Should I leave to meet you there at 2:30 or at 3:00?" MACEDO, Jr. responded, "I'm on my way there to meet you, ma'am. I just got on the highway to head over there around where I met you last time [Denny's restaurant]. Right?"

29. Prior to meeting with MACEDO, DEA agents searched CS-1 for contraband and money, with negative results. DEA agents equipped CS-1 with audio recording equipment. DEA agents maintained continuous surveillance of CS-1.

30. At approximately 3:15 p.m., surveillance observed MACEDO arrive and park near the Denny's restaurant while utilizing the Jeep Liberty. According to CS-1, MACEDO approached CS-1's vehicle and provided CS-1 with \$3,000 as partial payment. MACEDO then requested CS-1 to accompany him inside the Denny's restaurant. Surveillance then observed CS-1 and MACEDO enter Denny's restaurant. This meeting was recorded.

31. During this meeting, CS-1 said "Because he still had nine left, right," and MACEDO responded, "Uh... less than that. I gave you three [\$3,000], right?" CS-1 responded "Three. Yes. Uh Huh." MACEDO then said "Uh-huh. It was eleven-five hundred [\$11,500 still owed for the kilogram of cocaine]." CS-1 responded "He said it was twelve [\$12,000]." MACEDO said "No, it

was eleven-five hundred [\$11,500], but just that..." CS-1 responded, "Oh, okay. So then it's eight, eight-five hundred [\$8,500]." MACEDO said, "So then eleven... eleven-five hundred and, and eleven-five hundred minus this [\$11,500 minus the \$3,000 MACEDO just gave to CS-1]..." CS-1 responded "Yes, eight-five hundred [\$8,500] is what is left." MACEDO then said, "But it seems that... well, I sent him one, but I don't remember if I put it already. Let me check." A few moments later, MACEDO said "So I'm working on that. It's just that he [the Mexican SOS]... because it was twenty three-five hundred [\$23,500] when... but he said 'I'm going to write down that it's twenty four [\$24,000].' I said, 'Okay, write twenty four down, but it's twenty three-five hundred.'... Understand." CS-1 responded by laughing and said "Oh okay. Okay. Because he's also kind of shady." MACEDO then said "So I said, 'write it down, but it's like I tell you, it was eleven [\$11,000]... I don't really remember. Eleven-five hundred [\$11,500] minus two thousand or, one thousand." CS-1 responded, "With the one thousand." MACEDO said, "And that's what's left over."

32. At approximately 4:01 p.m., surveillance observed MACEDO and CS-1 exit Denny's restaurant and walk to CS-1's vehicle.

33. At approximately 4:03 p.m., surveillance observed MACEDO use a cellular telephone as CS-1 departed in his/her vehicle. A minute later, surveillance observed MACEDO depart in the Jeep Liberty.

34. After the meeting, DEA agents met with CS-1 at a pre-determined meeting location. CS-1 provided DEA agents \$3,000 provided to CS-1 by MACEDO. DEA agents searched CS-1 for contraband and excess money, with negative results.

IV. CONCLUSION

35. Based on the foregoing, I respectfully submit that there is probable cause to believe that or about January 7, 2012, DOMINGO MACEDO, Jr., also known as “Gordo,” did knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely, 500 grams or more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

FURTHER AFFIANT SAYETH NOT.

B. Colin Dickey
Special Agent, Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on _____, 2012.

Maria Valdez
United States Magistrate Judge