

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

BENJAMIN CORTEZ-GOMEZ,
also known as "Bennie Blanco"

CASE NUMBER:

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about July 27, 2020, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant violated:

*Code Section**Offense Description*

Title 18, United States Code, 922(g)(1)

possession of a firearm by a convicted felon

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

THOMAS E. SPRATTE

Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives (ATF)

Sworn to before me and signed in my presence.

Date: July 28, 2020

Judge's signature

City and state: Chicago, Illinois

JOHN F. KNESS, U.S. District Judge

Printed name and title

AFFIDAVIT

I, THOMAS E. SPRATTE, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), and have been so employed since August 2019. Before that, I was a police officer in Chicago and Blue Island, Illinois for nine years. I am currently assigned to the ATF's Chicago Strike Force, and my responsibilities include the investigation of unlawful firearms possession and trafficking.

2. This affidavit is submitted in support of a criminal complaint alleging that Benjamin CORTEZ-GOMEZ has violated Title 18, United States Code, 922(g)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging CORTEZ-GOMEZ with unlawful possession of a firearm by a felon, 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 confidential informant information, my own observations and actions, including my review of social media postings and communications, information received from other law enforcement agents, my experience and training, and the experience of other agents.

I. FACTS SUPPORTING PROBABLE CAUSE

4. On the evening of July 27, 2020, CORTEZ-GOMEZ was arrested in Chicago driving a vehicle with seven firearms in the trunk. According to information provided by a confidential informant (“CI-1”) and CORTEZ-GOMEZ’s Snapchat communications with CI-1, CORTEZ-GOMEZ was returning from a trip to Indiana where he purchased the firearms.

A. CORTEZ-GOMEZ is a Convicted Felon

5. According to a law enforcement database and the Illinois Department of Corrections’ website, CORTEZ-GOMEZ has been convicted of crimes punishable by a term of imprisonment exceeding one year and has been sentenced to terms exceeding one year. CORTEZ-GOMEZ’s convictions include: (a) a September 19, 2011 misdemeanor conviction in the Circuit Court of DuPage County for possession of a firearm without a valid FOID card, for which he received a sentence of sixteen days’ imprisonment and twelve months’ conditional discharge; (b) a March 8, 2012 conviction in the Circuit Court of Cook County for Attempted Burglary; (b) a January 23, 2015 conviction in the Circuit Court of Cook County for unlawful use of firearm by a felon and aggravated fleeing, for which he received a total sentence of two years’ imprisonment; (c) a July 6, 2017 conviction in the Circuit Court of Cook County for unlawful possession of a weapon by a felon, for which he received a sentence of three years’ imprisonment; and (d) a December 27, 2019 conviction in the Circuit Court of Cook County aggravated unlawful restraint, for which he received a sentence of four years and six months’ imprisonment.

B. CORTEZ-GOMEZ's Trip to Indiana to Obtain Firearms

6. According to CI-1, he/she has previously travelled with CORTEZ-GOMEZ to the Indianapolis, Indiana area to purchase firearms on multiple occasions over the past few months.¹ The ATF reviewed communications on Snapchat between username “bambamdakilla”/vanity name “Bennie blanco,” identified by CI-1 as CORTEZ-GOMEZ’s Snapchat account, and CI-1’s Snapchat account.² CI-1 identified CORTEZ-GOMEZ’s booking photograph when interviewed by law enforcement. ATF agents reviewed the same booking photograph, and identified CORTEZ-GOMEZ in photographs on Facebook and Snapchat, and upon arrest, as described further in this affidavit.

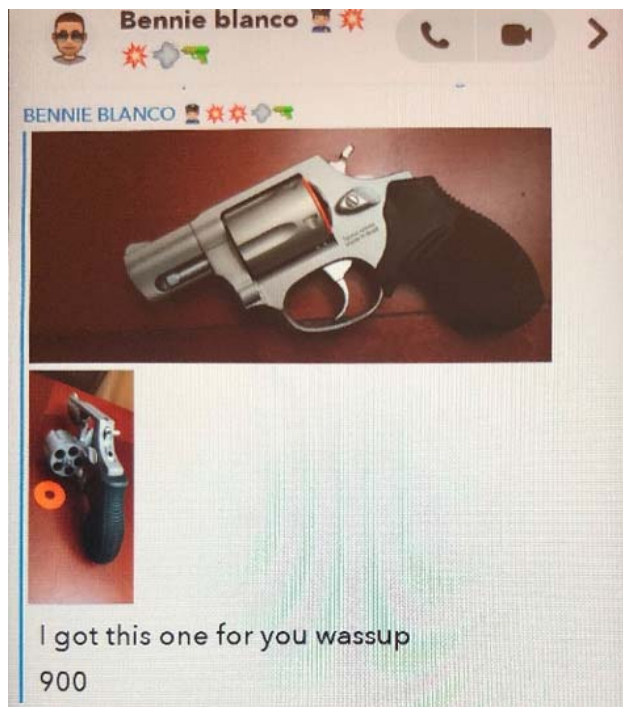
1. CORTEZ-GOMEZ's Messages With CI-1 Before the Trip

7. Between July 22 and July 25, 2020, ATF directed CI-1 to ask CORTEZ-GOMEZ if he could supply a firearm to a friend of his/hers. According to CI-1, he/she subsequently had unrecorded conversations with CORTEZ-GOMEZ using social

¹ CI-1 has three arrests for crimes not involving firearms, but no convictions. His/her motivation to cooperate is financial compensation, but he/she has not yet been paid any money by ATF. In an interview on or about July 21, 2020, CI-1 stated that he/she and CORTEZ-GOMEZ took multiple trips to the Indianapolis, Indiana area to purchase firearms in the Dodge Charger discussed in this affidavit. On or about July 25, 2020, CI-1 stated in a follow up interview that he/she in fact travelled with CORTEZ-GOMEZ in a Ford Fusion on each of the trips when he/she accompanied him, but that he/she later saw him place the Ford Fusion for sale on Facebook. When asked why he/she had previously stated that he/she had travelled with CORTEZ-GOMEZ in the Dodge Charger, CI-1 explained that he/she meant that they always drive CORTEZ-GOMEZ’s vehicle for the Indiana trips and CORTEZ-GOMEZ’s current vehicle is the Dodge Charger.

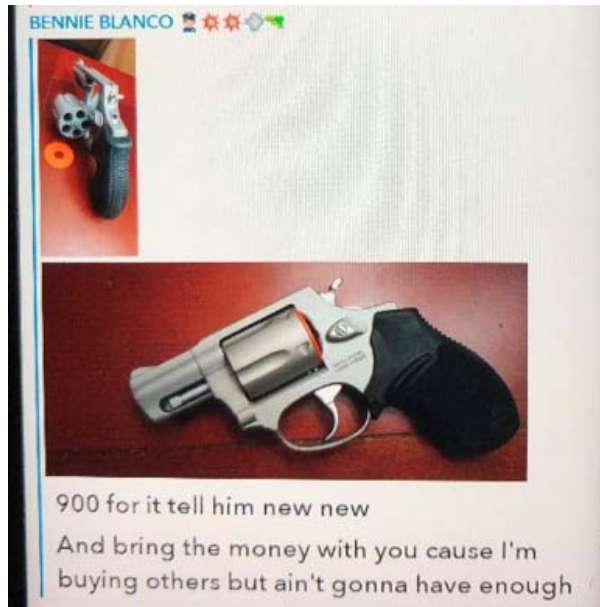
² In my training and experience, Snapchat allows a user to assign a “Vanity Name” that can be changed, and a user also has a unique user name that identifies his or her account. As described below, I believe that the vanity name “Bennie Blanco” refers to CORTEZ-GOMEZ based on photographs and videos of CORTEZ-GOMEZ posted on Facebook and Snapchat accounts with that name.

media in which he/she made that request pursuant to ATF's instruction. On Saturday, July 25, 2020, at approximately 1:14 p.m., "Bennie blanco" sent CI-1 the following message:



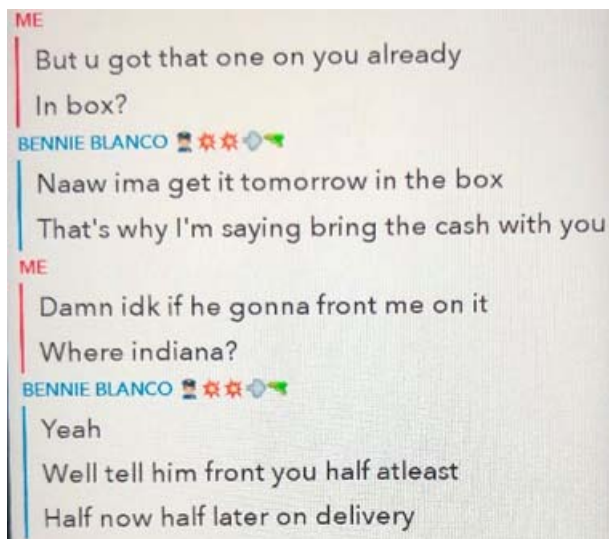
8. CI-1 responded "[w]hen you gunna be around my n----- wants it" and received a reply from Bennie blanco stating "Ima get it monday thoo."

9. After further exchange, at approximately 7:15 p.m. on Sunday, July 26, 2020, CI-1 asked "What time tomorrow" and Bennie blanco responded "11 am I'm leaving; Bring cash if u want one." At approximately 9:36 p.m., CI-1 messaged "The one you got send me a picture I dont got it saved so I can show my boy right now I just told him it was a revolver." CI-1 then received the same photos of the revolver from Bennie blanco account:



10. Based on my training, experience, and knowledge of the investigation, I believe that CORTEZ-GOMEZ was offering to sell a revolver to CI-1's friend for \$900, and asking CI-1 to bring cash to help purchase multiple firearms.

11. At approximately 9:44 p.m., CORTEZ-GOMEZ confirmed that he was getting the firearms in Indiana:



12. At approximately 10:07 p.m., CORTEZ-GOMEZ sent another message stating “I cant do the revolver my guy says he wants it; And I cant say no he pays top dollar.” Based on my training, experience, and knowledge of the investigation, I believe that in these messages, CORTEZ-GOMEZ explained that he planned to pick up the firearms in Indiana, but had to revoke his offer to sell the revolver to CI-1’s friend because he had another buyer who would pay more.

2. CORTEZ-GOMEZ Departs to Indiana in his Dodge Charger

13. According to Illinois Secretary of State records, a dark blue 2015 Dodge Charger with Illinois license plate CD26224 (“the Dodge Charger”) is registered to Individual A on the 6100 block of South Carpenter Street in Chicago. According to records from the Illinois Department of Corrections, CORTEZ-GOMEZ is paroled to that address (“the Carpenter Address”). On July 23, 2020, at approximately 9:57 p.m., ATF agents conducted surveillance at the Carpenter Address and observed the Dodge Charger parked on the west side of the street one house north of the Carpenter Address. On July 26, 2020, the Bennie blanco Snapchat account posted a video with a timestamp of 5:52 a.m. of a man who appears to be CORTEZ-GOMEZ getting into a vehicle that appears to be the Dodge Charger.

14. In addition, on July 24, 2020, ATF agents reviewed a publicly available Facebook page with a profile name of “Bennie Blanco,” which contained multiple photographs of a vehicle matching the make, model, and color of the Dodger Charger. The Facebook page also included photographs of an individual who appears to be CORTEZ-GOMEZ based on my in-person viewing of him. In one photograph with a

post date of July 16, 2020, CORTEZ-GOMEZ is posing in front of the Dodge Charger with the last digit of the license plate (4) visible:

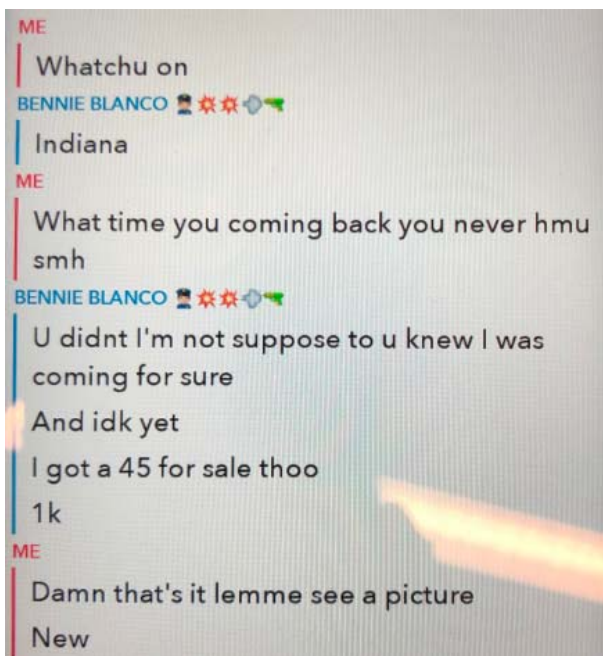


15. On July 27, 2020, surveillance officers observed the following. At approximately 9:59 a.m. and 10:52 a.m., CORTEZ-GOMEZ exited the Carpenter Address, went to the Dodge Charger and opened the driver's side door, trunk, and the front hood. At approximately 12:05 p.m., the Dodge Charger departed the block of the Carpenter Address.³ At approximately 12:49 p.m., surveillance observed the Dodge Charger cross the state line to Indiana on the Interstate 90 expressway. At approximately 1:02 p.m., surveillance observed the Dodge Charger take I-65 south towards Indianapolis.

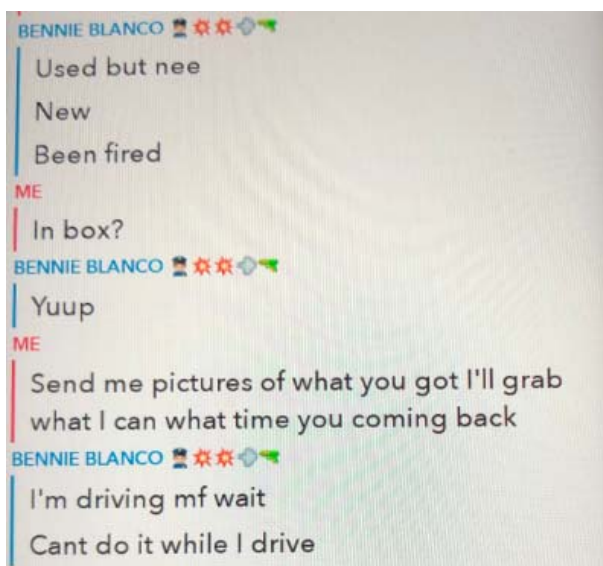
³ At this time, surveillance was unable to identify the driver of the Dodge Charger, which has tinted windows.

3. **CORTEZ-GOMEZ Sends CI-1 Photos of the Guns from Indiana**

16. Between approximately 2:14 p.m. and 3:35 p.m., CI-1 and Bennie blanco had the following exchange on Snapchat:



17. Between approximately 3:35 p.m. and 3:37 p.m., CI-1 and Bennie blanco continued their exchange on Snapchat:



18. At approximately 3:58 p.m. and 4:45 p.m., Bennie blanco sent CI-1 Snapchat videos of what appeared to be firearms in the back seat of the car, with music playing in the background:



4. CORTEZ-GOMEZ is Arrested in Possession of Seven Firearms in the Dodge Charger

19. At approximately 7:30 p.m., surveillance observed the Dodge Charger exiting I-90/94 expressway at 59th Street in Chicago, Illinois. ATF agents stopped the vehicle and arrested CORTEZ-GOMEZ, who was in the driver's seat and was the sole occupant of the vehicle. I observed the back seat of the Dodge Charger and it appeared consistent with the back seat of the Snapchat videos described above.

20. Agents opened the trunk and seized the following firearms ("the Subject Firearms"):

- a. a Glock, model 19 Gen 5, 9mm caliber semiautomatic pistol bearing serial number BEYV090;
- b. a Heckler and Koch, model USP Compact, .45 caliber semiautomatic pistol, bearing serial number 29-034711;
- c. a Para-Ordnance, model Slim Hawg, .45 caliber semiautomatic pistol, bearing serial number P164305;
- d. a FNH USA, model FNS-40, .40 caliber semiautomatic pistol, bearing serial number GKU0023866;
- e. a Taurus, model 605, .357 caliber revolver bearing serial number ABD499368;
- f. a Smith & Wesson, model 5906, 9mm caliber semiautomatic pistol, bearing serial number TFC5982; and
- g. a Taurus, model 857, .38 caliber revolver, bearing serial number ABD486965.

21. The Subject Firearms are shown below before and after agents opened the boxes in the photos:



C. Interstate Nexus

22. On July 28, 2020, a certified ATF interstate nexus expert physically examined the Subject Firearms recovered from the trunk of the Dodge Charger and made a determination that none of the firearms were manufactured in the state of Illinois and therefore they all had traveled in interstate commerce prior to CORTEZ-GOMEZ's possession of them.

II. CONCLUSION

22. For all these reasons, there is probable to believe that CORTEZ-GOMEZ unlawfully possessed a firearm in violation of Title 18, United States Code, Section 922(g)(1).

FURTHER AFFIANT SAYETH NOT.

THOMAS E. SPRATTE
Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

SUBSCRIBED AND SWORN to before me on July 28, 2020.

Honorable JOHN F. KNESS
United States District Judge