

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JAVIER GONZALEZ-LOZA

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 February 8, 2018, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant(s) violated:

*Code Section*

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

*Offense Description*

knowingly and intentionally distributed a controlled substance, namely, 400 grams or more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperindinyl] propanamide, a Schedule II Controlled Substance.

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

---

 STEPHAN FEKETE

Special Agent,

 U.S. Department of Homeland Security,  
Homeland Security Investigations (HSI)

Sworn to before me and signed in my presence.

Date: June 12, 2018


---

*Judge's signature*
City and state: Chicago, Illinois


---

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

**AFFIDAVIT**

I, STEPHAN FEKETE, being duly sworn, state as follows:

**I. Introduction**

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”) and have been so employed for approximately eleven years. As part of my duties as an 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 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 JAVIER GONZALEZ-LOZA (“GONZALEZ-LOZA”) has violated Title 21, United States Code, Section 841(a). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging GONZALEZ-LOZA with knowingly and intentionally distributing a controlled substance, namely, 400 grams or more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperindinyl] propanamide, a Schedule II Controlled Substance, 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 agents and officers, including an undercover agent, law enforcement records, information provided by a confidential source of information, my review of consensually-recorded conversations and meetings, my experience and training, and the experience and training of other agents and officers.

## **II. Facts Supporting Probable Cause**

4. In or about January 2018, HSI received information from a confidential source of information (hereinafter “the CS”).<sup>1</sup> More specifically, the CS provided a tip regarding an individual the CS knew to distribute heroin and cocaine. The CS also related that this individual (later identified to be GONZALEZ-LOZA), was a Spanish speaker, who then used a telephone assigned telephone number (773) 940-5320 (hereinafter “GONZALEZ-LOZA Phone”).

5. After receiving the above information from the CS, an HSI special agent working in an undercover capacity (hereinafter “the UCA”) placed a call to

---

<sup>1</sup> The CS has provided information to HSI from time to time since approximately 2017. The CS has not been paid by HSI in connection with this investigation, but the CS is cooperating in the hope of receiving monetary compensation in the future. The CS has not been convicted of a crime to the best of my knowledge and belief. The information that the CS has provided regarding GONZALEZ-LOZA has been shown to be credible.

GONZALEZ-LOZA Phone on or about January 21, 2018. The UCA's call was not answered.

6. On or about January 22, 2018, at approximately 9:24 a.m., the UCA received an incoming call from GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone.<sup>2</sup> During the call,<sup>3</sup> the UCA stated that he/she was a narcotics buyer

---

<sup>2</sup> Agents identified GONZALEZ-LOZA as the user of GONZALEZ-LOZA Phone as follows: As discussed below, between January 22 and 23, 2018, the UCA made arrangements to meet with the user of GONZALEZ-LOZA Phone on January 23, 2018, at approximately 3:09 p.m., in a grocery store parking lot located in the vicinity of the intersection of West 59th Street and South Pulaski Road in Chicago. Following those calls, surveillance observed a man, later identified as GONZALEZ-LOZA, arrive and meet with the UCA at that designated time and place. During this meeting, the UCA recognized GONZALEZ-LOZA's voice as the same voice as the user of GONZALEZ-LOZA Phone. In addition, agents compared recordings of the man who was using GONZALEZ-LOZA Phone to the recording of the man who met with the UCA and, based on that comparison, determined that GONZALEZ-LOZA was the user of GONZALEZ-LOZA Phone. Furthermore, on or about May 16, 2018, agents approached the man with whom the UCA met with on January 23, 2018, and several other occasions, and during that meeting, the man identified himself as GONZALEZ-LOZA. In addition, law enforcement secured GONZALEZ-LOZA's fingerprints in connection with the May 16, 2018 meeting and during a query of law enforcement databases, those fingerprints matched those of GONZALEZ-LOZA from previous interactions he had with law enforcement and immigration authorities.

<sup>3</sup> Some of the consensually-recorded conversations with GONZALEZ-LOZA ("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 final transcripts of the recorded conversations. The times listed for the recorded conversations are approximate and, unless otherwise indicated, reflect the time in the North American Central Time Zone. 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 the UCA, the contents and context of the recorded conversations, events that took place 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 and officers in this investigation. Some of the recorded conversations contained herein are in the Spanish language. For these conversations,

and asked whether he/she could meet with GONZALEZ-LOZA to discuss obtaining a sample quantity of narcotics for a potential future purchase. GONZALEZ-LOZA told the UCA to call him the following day to discuss a meeting time and location.

***January 23, 2018 - GONZALEZ-LOZA Provides the UCA with a 1.0 Gram Sample Quantity of Heroin***

7. On or about January 23, 2018, at approximately 1:22 p.m., the UCA placed a consensually-recorded call to GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. During the call that followed, the UCA asked GONZALEZ-LOZA “if he was available [to deliver a sample of heroin].” GONZALEZ-LOZA stated that he was available and suggested that they meet at “59th and Pulaski [West 59th Street and South Pulaski Road, Chicago].” The UCA stated that he/she could be at that location in about one to one and a half hours.

8. At approximately 2:59 p.m., the UCA parked his/her vehicle in a grocery store parking lot located in the vicinity of the intersection of West 59th Street and South Pulaski Road in Chicago, and placed a consensually-recorded telephone call to GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. During a brief conversation, the UCA provided his/her location to GONZALEZ-LOZA and GONZALEZ-LOZA replied that he would arrive there shortly.

9. At approximately 3:09 p.m., the UCA and agents conducting surveillance observed GONZALEZ-LOZA walking through the grocery store parking lot with a cellular telephone in his hand. Moments later, the UCA received an

---

I have relied on draft – not final – English translations of conversations in Spanish done by HSI agents proficient in the Spanish language.

incoming call from GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. As the UCA received the incoming call from GONZALEZ-LOZA, the UCA made eye contact with GONZALEZ-LOZA and motioned for GONZALEZ-LOZA to come to his/her vehicle.

10. Surveillance and the UCA observed GONZALEZ-LOZA enter the UCA's vehicle. Prior to this meeting, agents outfitted the UCA with a concealed audio/video recording device. During this meeting, as captured by the recording device and according to the UCA:

a. GONZALEZ-LOZA confirmed that the UCA had been referred to GONZALEZ-LOZA by a common associate (the CS). GONZALEZ-LOZA then stated, that he "had something for" the UCA and removed a small package (wrapped in newspaper) from his left front coat pocket, which GONZALEZ-LOZA placed on the center console of the UCA's vehicle. The UCA moved the item to an enclosed compartment in the center console of the vehicle.

b. After GONZALEZ-LOZA transferred the item to the UCA, the UCA asked if GONZALEZ-LOZA would be able to sell more than "more than one [kilogram of heroin]." GONZALEZ-LOZA replied, "Yes." The UCA then stated that he could not purchase anything for a few more days because the UCA would be out of town.

11. At approximately 3:14 p.m., surveillance observed GONZALEZ-LOZA exit the UCA's vehicle. Surveillance observed GONZALEZ-LOZA walk a short distance and entered a gold 2003 Toyota Highlander bearing Illinois license plate

A337688 (hereinafter “GONZALEZ-LOZA Vehicle One”), which was parked on West 58th Street. GONZALEZ-LOZA then departed the area in GONZALEZ-LOZA Vehicle One and after making a couple of brief stops, he parked the vehicle on the 5800 block of South Kilbourn Avenue in Chicago. GONZALEZ-LOZA then proceeded on foot and he entered the residence located at 5834 South Kilbourn Avenue (“the Kilbourn Avenue Residence”).

12. Following the meeting with GONZALEZ-LOZA, the UCA met with other agents and officers and the small package received from GONZALEZ-LOZA was secured. Upon inspection, the small package consisted of a plastic bag wrapped in newspaper containing a powdery substance that was beige in color. The substance field tested positive for heroin and weighed approximately 1.0 gram. It has been submitted to the Drug Enforcement Administration’s North Central Laboratory for additional testing.

***January 29, 2018 – GONZALEZ-LOZA Meets with the UCA  
to Discuss Future Narcotics Transactions***

13. On or about January 29, 2018, at approximately 12:26 p.m., the UCA received a call from GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. During the consensually-recorded call that followed, the UCA asked if they could “do something [meet] today” and GONZALEZ-LOZA agreed to meet at or around 3:00 p.m. at the same location as the previous meeting, that is, a grocery store parking lot in the vicinity of the intersection of West 59th Street and South Pulaski Road in Chicago.

14. At approximately 4:15 p.m., the UCA received a call from GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. This call was consensually recorded. The UCA stated that he was at the agreed-upon location and GONZALEZ-LOZA stated that he would “see you” shortly.

15. Approximately 10 minutes later, according to the UCA and agents conducting surveillance, GONZALEZ-LOZA approached the UCA’s vehicle on foot and entered the passenger side of the vehicle. Prior to this meeting, agents outfitted the UCA with a concealed audio/video recording device. During this meeting, as captured by the recording device and according to the UCA:

a. GONZALEZ-LOZA stated that there was no more heroin available, but that there was “*sintético* [synthetic heroin or fentanyl]” available. GONZALEZ-LOZA stated that there might be more “original [regular heroin]” arriving later that week. The UCA asked GONZALEZ-LOZA why GONZALEZ-LOZA did not tell him/her over the telephone that there was no heroin available. GONZALEZ-LOZA responded that he didn’t like to talk “about these things [drug business]” over the telephone. The UCA stated to GONZALEZ-LOZA that he could have called him/her to advise that there was no heroin available. GONZALEZ-LOZA responded, “There are, but it’s the synthetic ones, if you are interested.” The UCA stated, “No, what I’m interested in is what . . .” GONZALEZ-LOZA interrupted and stated, “Of what I gave you [as a sample]?” The UCA replied, “Yes.” GONZALEZ-LOZA related again that there was no heroin available. GONZALEZ-LOZA further stated, “They arrive weekly, the same ones, they arrive in a week.”



b. GONZALEZ-LOZA then shifted the conversation with the UCA to a discussion of price terms for heroin and fentanyl. When the UCA asked GONZALEZ-LOZA what the price would be, GONZALEZ-LOZA replied, “Those are going to be at 48 [price of \$48,000 per kilogram of heroin].”

c. The UCA asked whether the sample that GONZALEZ-LOZA provided during their previous meeting was synthetic heroin. GONZALEZ-LOZA responded to the effect that the sample was “original” heroin and that it was “made from the flower from the herb [from the poppy plant].” GONZALEZ-LOZA stated that the synthetic heroin was “immediately available” for \$40,000 per kilogram. GONZALEZ-LOZA went on to state, “Many people are using that, it’s almost the same [as heroin], it’s the same but many people like the synthetic [fentanyl] and many people like the original [heroin].” GONZALEZ-LOZA stated that he just needed to call “El Señor [source of supply].” The UCA stated that he/she would contact his/her customers to see if they were interested in purchasing fentanyl.

d. GONZALEZ-LOZA then asked the UCA whether the UCA was interested in buying “*perico* [literally “parrot,” but meaning “cocaine” for the drug’s perceived capacity to make its user more talkative].” The UCA indicated he/she was interested in purchasing cocaine and asked GONZALEZ-LOZA, “Do you have it [cocaine] also?” GONZALEZ-LOZA replied, “Yes.” The UCA then asked GONZALEZ-LOZA, “At what price do you have it [cocaine] at?” GONZALEZ-LOZA replied, “29.” The UCA stated, “At 29? For how much?” GONZALEZ-LOZA replied, “Per kilo [kilogram].” GONZALEZ-LOZA further stated, “I have one in the hand right now,”

and that the price would be “29 [\$29,000 per kilogram].” The UCA reiterated that he/she wanted to contact his/her customers to see what their preferences were and that he/she would call GONZALEZ-LOZA back a short time later to discuss.

16. According to the UCA and agents conducting surveillance, GONZALEZ-LOZA then left the UCA’s vehicle, returned to GONZALEZ-LOZA Vehicle One, and departed the area.

17. Approximately 40 minutes later, at 5:09 p.m. on January 29, 2018, the UCA called GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. GONZALEZ-LOZA answered the UCA’s call and stated that he would talk to the UCA in person and that he was in the vicinity of “Archer and Kolin [South Archer Avenue and South Kolin Avenue, Chicago].” The UCA stated that he/she would be there shortly.

18. At approximately 5:15, the UCA parked in front of a laundromat located on the 5100 block of South Archer Avenue in Chicago Illinois. At approximately 5:20 p.m., according to the UCA and agents conducting surveillance, GONZALEZ-LOZA exited the laundromat and entered the UCA’s vehicle. During a conversation that followed:

a. The UCA stated he/she would wait for the arrival of the heroin and asked GONZALEZ-LOZA how long it would take for it to arrive. GONZALEZ-LOZA replied, “In two or three days.” The UCA asked GONZALEZ-LOZA to call him/her once he was ready. The UCA pressed GONZALEZ-LOZA to offer a lower price per kilogram for heroin. In response, GONZALEZ-LOZA stated that he might

be able to go as low as \$45,000 per kilogram by stating, “They give it to him at 45,” but that he would need to obtain permission to sell it at that price.

b. GONZALEZ-LOZA then expressed concern regarding security for his dealings with the UCA, noting that they should not use cellular telephones to discuss their transactions. GONZALEZ-LOZA continued on by noting that he had previously been in prison and that he had been deported a few years ago.<sup>4</sup> He described cellular telephones as “a weapon” and that they should only be used to confirm meeting locations.

19. At approximately 5:30 p.m., according to the UCA and agents conducting surveillance, GONZALEZ-LOZA exited the UCA’s vehicle and returned to the laundromat.

***January 30, 2018 - GONZALEZ-LOZA Provides the UCA with a  
3.7 Gram Sample Quantity of Fentanyl***

20. On or about January 30, 2018, at approximately 2:12 p.m., the UCA placed a consensually-recorded call to GONZALEZ-LOZA, who was using

---

<sup>4</sup> According to a query of the United States Courts’ Public Access to Court Electronic Records (PACER) system, GONZALEZ-LOZA was indicted by a grand jury in the United States District Court for the Eastern District of Michigan on or about July 30, 2009 for conspiring to knowingly and intentionally distribute and possess with intent to distribute cocaine and cocaine base, in violation of Title 21, United States Code, Sections 846 and 841(a)(1). *See United States v. Gonzalez-Loza, et al.*, E.D. Mich. No. 09 CR 20353, at Docket Nos. 12 and 64. Following his arrest in the Northern District of Illinois, GONZALEZ-LOZA was removed to the Eastern District of Michigan where he subsequently pleaded guilty and was sentenced to 48 months’ imprisonment. *Id.* at Docket Nos. 146 and 154. According to publicly-available records of the Bureau of Prisons, GONZALEZ-LOZA was released from custody in or about January 2013. Following his release from custody, the U.S. Department of Homeland Security deported GONZALEZ-LOZA from the United States.

GONZALEZ-LOZA Phone. During the call that followed, the UCA stated that he/she would be in the area in about 30 minutes and asked whether he/she could meet in person with GONZALEZ-LOZA. The UCA understood that this meeting would occur in the same grocery store parking lot where they had met previously.

21. At approximately 3:11 p.m., the UCA parked his/her vehicle in a grocery store parking lot located in the vicinity of the intersection of West 59th Street and South Pulaski Road in Chicago, and placed a consensually-recorded telephone call to GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. During a brief conversation, the UCA stated that he/she had arrived.

22. At approximately 3:12 p.m., surveillance observed GONZALEZ-LOZA leave the Kilbourn Avenue Residence and depart the area in GONZALEZ-LOZA Vehicle One. At approximately 3:15 p.m., according to the UCA and agents conducting surveillance, GONZALEZ-LOZA parked his vehicle in the grocery store parking lot, approached the UCA's vehicle on foot, and entered the UCA's vehicle. Prior to this meeting, agents outfitted the UCA with a concealed audio/video recording device. During this meeting:

a. The UCA asked whether GONZALEZ-LOZA could provide a sample of the "*sintético* [synthetic heroin or fentanyl]." GONZALEZ-LOZA stated that he could and that he had a "piece [sample]" at his house. GONZALEZ-LOZA noted that he had a couple of personal errands to run, but that he could meet up later back at the grocery store parking lot that same afternoon to give the UCA a sample.

b. Next, GONZALEZ-LOZA engaged the UCA in the following discussion regarding his prior experience distributing fentanyl:

GONZALEZ-LOZA: This [fentanyl] is strong . . . . I gave this [fentanyl] to someone here and . . .

UCA: And what happened?

GONZALEZ-LOZA: A test [sample dose] . . .

UCA: Yes, and what happened with the test [sample dose]? What happened when he did it [used the sample dose]?

GONZALEZ-LOZA: It killed him.

UCA: How do you know that?

GONZALEZ-LOZA: I gave it to a black guy . . . it's strong.

c. Following this discussion, the UCA expressed concern about how GONZALEZ-LOZA was going to wrap the sample quantity of fentanyl to be given to the UCA. The UCA asked GONZALEZ-LOZA to double wrap the fentanyl in plastic and GONZALEZ-LOZA agreed. The UCA also asked GONZALEZ-LOZA whether the sample would be from the same quantity of fentanyl that caused the buyer to die and GONZALEZ-LOZA said, "No" and that the sample was from a "different line [supply]."

23. At approximately 3:25 p.m., according to the UCA and agents conducting surveillance, GONZALEZ-LOZA exited the UCA's vehicle, returned to GONZALEZ-LOZA Vehicle One, and departed the grocery store parking lot. Agents maintained surveillance on GONZALEZ-LOZA as he returned to the Kilbourn Avenue Residence. After going inside the Kilbourn Avenue Residence for a brief

period of time, GONZALEZ-LOZA returned to his vehicle and drove back to the grocery store parking lot. Based on my training, experience, and familiarity with this case – including prior and subsequent recorded conversations between GONZALEZ-LOZA and the UCA and GONZALEZ-LOZA’s subsequent delivery of 3.7 grams of fentanyl to the UCA – I believe that, during this trip to the Kilbourn Avenue Residence, GONZALEZ-LOZA obtained 3.7 grams of fentanyl.

24. According to the UCA and agents conducting surveillance, at approximately 3:50 p.m., GONZALEZ-LOZA re-entered the UCA’s vehicle. During this recorded meeting:

a. GONZALEZ-LOZA placed an object wrapped in paper on the floor of the front passenger area. GONZALEZ-LOZA stated that the object contained “two or three grams [of fentanyl]” and he reiterated that the price would be \$40,000 for a whole kilogram.

b. GONZALEZ-LOZA and the UCA agreed that they would talk in a few days to discuss further arrangements for a purchase of fentanyl and heroin.

25. Surveillance observed GONZALEZ-LOZA exit the UCA’s vehicle and depart the area.

26. After departing the meeting location, the UCA met with other agents and officers and the small package received from GONZALEZ-LOZA was secured. Upon inspection, the small package consisted of a Ziploc-style plastic bag containing a powdery substance that was white in color. The small package was subsequently submitted to the Drug Enforcement Administration’s North Central Laboratory,

which determined that the substance weighed approximately 3.7 grams and tested positive for the presence of fentanyl.

***February 8, 2018 - GONZALEZ-LOZA Distributes  
One Kilogram of Fentanyl to the UCA***

27. After the in-person meeting on January 30, 2018, GONZALEZ-LOZA and the UCA had brief telephone discussions on January 31, 2018, February 3, 2018, and February 7, 2018. During these discussions, GONZALEZ-LOZA used GONZALEZ-LOZA Phone and he asked the UCA, “Have you tried the car [sample of fentanyl]?” The UCA replied, “Yes.” In addition, during the discussion on February 7, 2018, GONZALEZ-LOZA and the UCA agreed to speak the following morning at around 10:00 a.m.

28. On or about February 8, 2018, at approximately 10:47 a.m., the UCA placed a consensually-recorded call to GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. During the call that followed, the UCA stated that he/she would be in the area in about five minutes and that he/she was prepared to meet with GONZALEZ-LOZA at the same grocery store parking lot where they had on previous occasions, as described above.

29. At approximately 10:54 a.m., according to the UCA and agents conducting surveillance, GONZALEZ-LOZA parked his vehicle in the grocery store parking lot, approached the UCA’s vehicle on foot, and entered the UCA’s vehicle. Prior to this meeting, agents outfitted the UCA with a concealed audio/video recording device. During this recorded meeting:

- a. GONZALEZ-LOZA and the UCA had the following exchange:

GONZALEZ-LOZA: There are both of them [heroin/fentanyl and cocaine are available]. Which one are you interested in now?

UCA: All three [heroin, fentanyl, or cocaine].

GONZALEZ-LOZA: *Sintético* [synthetic heroin or fentanyl] can be purchased immediately.

UCA: For 40 [\$40,000]?

GONZALEZ-LOZA: Yes.

b. In the presence of the UCA, GONZALEZ-LOZA placed a call to a man whom he identified as “El Señor.” During that call, GONZALEZ-LOZA stated, “I just need one boy [kilogram of fentanyl] to go to work.” GONZALEZ-LOZA completed the telephone call and stated to the UCA that he needed to get a “green light [permission to complete the kilogram transaction]” from “El Señor” and that he would call the UCA when he was ready.

30. At approximately 11:00 a.m., according to the UCA and agents conducting surveillance, GONZALEZ-LOZA exited the UCA’s vehicle, returned to GONZALEZ-LOZA Vehicle One, and departed the grocery store parking lot.

31. On or about February 8, 2018, at approximately 12:09 p.m., the UCA placed a consensually-recorded call to GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. During the call that followed, the UCA asked GONZALEZ-LOZA whether he received a “green light [permission to complete the kilogram transaction]” from “El Señor.” GONZALEZ-LOZA replied to the effect that he had approval to proceed with the transaction.



32. In a subsequent recorded telephone call between GONZALEZ-LOZA and the UCA, which occurred at approximately 1:50 p.m., GONZALEZ-LOZA asked the UCA to drive him to “El Señor” and the UCA understood that GONZALEZ-LOZA would pick up the kilogram of fentanyl to be sold to the UCA. The UCA agreed and began driving toward the previous meeting location in the vicinity of the intersection of West 59th Street and South Pulaski Road in Chicago.

33. At approximately 2:02 p.m., according to the UCA and agents conducting surveillance, the UCA picked GONZALEZ-LOZA up on West 59th Street. Prior to this meeting, the UCA activated an audio/video recording device concealed on the UCA’s person. During this meeting:

a. GONZALEZ-LOZA gave the UCA instructions as to where to drive. In addition, GONZALEZ-LOZA stated, “I brought my backpack, because, you know, sometimes you need it.” The UCA replied, “I saw that, that’s why I also have a *clavo* [literally “nail,” but used as a term to refer to a hidden compartment] right here in the back.” The UCA further explained to GONZALEZ-LOZA that once GONZALEZ-LOZA returns to his/her vehicle, he/she wanted GONZALEZ-LOZA to show the kilogram to the UCA and then place it in the back of the vehicle. The UCA also asked GONZALEZ-LOZA if the kilogram of fentanyl he would be selling to the UCA was the same as the sample provided in the days prior. GONZALEZ-LOZA replied, “It’s the same as what I gave you before.”

b. GONZALEZ-LOZA had several short telephone conversations with El Señor. Though the UCA could only hear GONZALEZ-LOZA’s side of the

conversation, GONZALEZ-LOZA and El Señor appeared to discuss timing and location for GONZALEZ-LOZA to obtain the kilogram of fentanyl to be distributed to the UCA. Following these telephone discussions, GONZALEZ-LOZA stated words to the effect that El Señor was very cautious and that the UCA could not accompany him to meet El Señor. As such, GONZALEZ-LOZA and the UCA agreed that the UCA would drop him near the location where he would be meeting El Señor and then GONZALEZ-LOZA would call the UCA when he was ready to be picked up.

34. At approximately 2:24 p.m., according to the UCA and agents conducting surveillance, the UCA dropped GONZALEZ-LOZA off in the vicinity of a fast food restaurant located on the 5500 block of West Cermak Road in Cicero, Illinois. GONZALEZ-LOZA departed the area on foot with the black backpack in his possession and law enforcement agent maintained surveillance on him.

35. At approximately 2:27 p.m., surveillance observed GONZALEZ-LOZA enter the passenger side of a white Chevrolet Trailblazer, where he met with a man who appeared to be approximately 60 to 70 years old. According to agents conducting surveillance, GONZALEZ-LOZA and the unidentified man circled the block in the white Trailblazer and then returned to West Cermak Road. After returning to West Cermak Road, surveillance observed the white Trailblazer stop in the vicinity of a different restaurant. Shortly thereafter, GONZALEZ-LOZA departed the white Trailblazer with the black backpack in his possession. Based on my training, experience, and familiarity with this case – including prior and subsequent recorded conversations between GONZALEZ-LOZA and the UCA and GONZALEZ-LOZA

subsequent sale of fentanyl to the UCA – I believe that (a) the man in the white Trailblazer with whom GONZALEZ-LOZA met was GONZALEZ-LOZA’s source of narcotics supply (El Señor) and (b) during that meeting, El Señor gave GONZALEZ-LOZA approximately 998.7 grams of fentanyl.

36. At approximately 2:32 p.m., the UCA received an incoming call from GONZALEZ-LOZA, who was using GONZALEZ-LOZA Phone. During this call, GONZALEZ-LOZA said, “Let’s go.” The UCA then picked GONZALEZ-LOZA up. During this recorded meeting:

a. The UCA asked GONZALEZ-LOZA to open the black backpack to so the UCA could see its contents. GONZALEZ-LOZA refused, stating words to the effect that he did not want to open the black backpack at that location. GONZALEZ-LOZA then directed the UCA to drive to an alley in the vicinity of West 56th Street and South Kilbourn Avenue in Chicago.

b. After arriving at that location, the UCA opened a hidden compartment or “trap” in his/her vehicle, which is designed to conceal drugs or drug proceeds. GONZALEZ-LOZA then placed a brick-shaped object into that compartment. The UCA then closed the compartment, reentered the vehicle, and then removed \$40,000 in cash from the center console, which the UCA gave to GONZALEZ-LOZA as payment for the kilogram of fentanyl. GONZALEZ-LOZA place the \$40,000 in the black backpack.

37. At approximately 3:01 p.m., surveillance observed GONZALEZ-LOZA exit the UCA’s vehicle and depart the area.

38. After this meeting with GONZALEZ-LOZA, the UCA met with other agents and officers and the brick-shaped object received from GONZALEZ-LOZA was secured. Upon inspection, the brick-shaped object was wrapped in clear plastic that contained a powdery substance that was white in color. The brick-shaped object was subsequently submitted to the Drug Enforcement Administration's North Central Laboratory, which determined that the substance weighed approximately 998.7 grams and tested positive for the presence of fentanyl.

***May 16, 2018 – Law Enforcement Agents Confront GONZALEZ-LOZA***

39. On or about May 16, 2018, law enforcement agents approached GONZALEZ-LOZA as he left the Kilbourn Avenue Residence. Law enforcement agents advised GONZALEZ-LOZA of his *Miranda* rights and he signed a written waiver of his rights. During a subsequent interview, among other things, GONZALEZ-LOZA admitted that he sold approximately one kilogram of fentanyl to an undercover law enforcement officer on or about February 8, 2018 in exchange for \$40,000. In this regard, agents asked GONZALEZ-LOZA if he remembered selling a “kilo” of synthetic heroin to a man in a black truck; GONZALEZ-LOZA replied that he had done so.

### III. Conclusion

40. Based on the foregoing, I respectfully submit that there is probable cause to believe that on or about February 8, 2018, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, JAVIER GONZALEZ-LOZA did knowingly and intentionally distribute a controlled substance, namely, 400 grams or more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

FURTHER AFFIANT SAYETH NOT.

---

STEPHAN FEKETE  
Special Agent,  
U.S. Department of Homeland Security,  
Homeland Security Investigations

SUBSCRIBED AND SWORN to before me on June 12, 2018.

---

DANIEL G. MARTIN  
United States Magistrate Judge