

UNITED STATES DISTRICT COURT
for the
Western District of Michigan

United States of America
v.
JESUS GAYTAN-GARCIA
Case No.
1:24-mj-79
Defendant(s)

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 the date(s) of July 30, 2023 in the county of Van Buren in the Western District of Michigan, the defendant(s) violated:

Code Section 18 U.S.C § 1163 Offense Description theft from an Indian tribal organization

This criminal complaint is based on these facts:

Continued on the attached sheet.

The Court processed the complaint remotely. The Court verified the Affiant's identity (by AUSA confirmation and through Affiant self-identification). Affiant attested to the affidavit and complaint via telephone, which the AUSA transmitted by remote electronic means (e-mail). The Court signed the original complaint and transmitted a correct copy of same to the Applicant, via the AUSA, by remote electronic means (e-mail). The process complied with Rules 3 and 4.1.

Date: 02/29/2024

City and state: Grand Rapids, Michigan

Trisha Kovac (signature)

Complainant's signature

Trisha Kovac, FBI Special Agent

Printed name and title

Sally J. Berens (signature)

Judge's signature

Sally J. Berens, U.S. Magistrate Judge

Printed name and title

CONTINUATION OF A CRIMINAL COMPLAINT

I, Trisha M.A. Kovac, being duly sworn, state as follows:

Introduction and Background

1) This continuation is made in support of a criminal complaint to authorize the arrest of JESUS GAYTAN-GARCIA for theft from an Indian tribal organization, in violation of 18 U.S.C § 1163, on or about July 30, 2023, in Van Buren County, in the Western District of Michigan. This continuation is made for the limited purpose of establishing probable cause and does not include each and every fact known by me or the government.

2) I have been employed as a Special Agent with the Federal Bureau of Investigation (“FBI”) for fourteen years. During this time, I have investigated federal violations concerning crimes of violence, bank robberies, fraud, child exploitation, and crimes involving Indian Country. Throughout my law enforcement career, I have gained experience through everyday work related to these investigations. As a Special Agent, I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7), and I am empowered by law to conduct investigations and make arrests of offenses enumerated in 18 U.S.C. § 2516.

3) The information set forth in this criminal complaint is based on my personal knowledge gained from my participation in this investigation and my review of other law enforcement officers’ reports, including reports of witness and suspect interviews.

4) I respectfully submit that the facts set forth in this criminal complaint establish probable cause to believe that on or about July 30, 2023, in Van Buren County, Michigan in the Southern Division of the Western District of Michigan, Jesus GAYTAN-GARCIA committed theft from an Indian tribal organization, in violation of 18 U.S.C § 1163.

Background

5) Jesus GAYTAN-GARCIA is a 43-year-old male from Mexico, without legal authorization to be in the United States.¹ He has no known criminal history.

Probable Cause

Hartford Casino Theft

6) On July 30, 2023, at approximately 1:23 p.m., a call from phone number +52 998 7307909, came into the main switchboard of the Hartford location of the Four Winds Casino, located at 68600 Red Arrow Highway, Hartford, MI 49057. This casino is located on land held in trust for the use and benefit of the Pokagon Band of Potawatomi Indians (“Pokagon Band”), that is Indian Country. *See* 18 U.S.C. § 1151.

7) According to open-source searches, +52 998 7307909 is a Mexican telephone number with a Cancun area code. The caller stated that his name was

¹ Searches of FBI databases indicated that GAYTAN-GARCIA had been denied an immigrant visa in 2012. Searches did not provide any permanent resident or naturalization records. Additionally, I have spoken with U.S. Customs and Border Patrol agents who have confirmed that GAYTAN-GARCIA does not currently have status in the U.S., and therefore is in the U.S. illegally.

Charles Martinez, Tribal Chairman of the Pokagon Band, and that he needed to speak with the cage manager.² The caller was then briefly put on hold by the main switchboard and transferred to the cage at the Hartford Casino. The cage manager, hereinafter referred to as D.Y. picked up the phone.

8) While D.Y. was on the phone with the person purporting to be the tribal chairman calling from the +52 998 7307909 phone number, the cellular telephone assigned to the cage at Hartford Casino began receiving texts from phone number 973-359-5185. The sender of these texts claimed to be the Hartford Casino cage director, L.M., who was out of town.³ L.M. is D.Y.'s boss at the Hartford Casino. While D.Y. was still on the phone with the person claiming to be to the tribal chairman, D.Y. began replying to the text messages coming into the Hartford Casino cage phone from the person claiming to be L.M. In these text messages, the person purporting to be L.M. told D.Y. that he needed her help to make an urgent payment within the "next 20 min." The texter urged D.Y. to follow the instructions of the caller and that she needed to be "discreet" in handling the money.

9) The caller from phone number +52 998 7307909 indicated to D.Y. that he thought the connection was bad and asked for a cellular telephone number.

² Later investigation revealed that the caller was not the tribal chairperson of the Pokagon Band. The current tribal chairperson of the Pokagon Band is named Rebecca Richards, not Charles Martinez.

³ Later investigation revealed that the texter was not L.M. and the 973-359-5185 is not associated to L.M.

D.Y. provided the telephone number for the cellular phone assigned to the cage, which the +52 998 7307909 number subsequently called directly. D.Y. then both spoke on the phone with the +52 998 7307909 caller and received text messages from “L.M.” simultaneously on the same phone.

10) While D.Y. is on the phone, a review of casino surveillance footage showed D.Y. opening the bank drawer in the cage. She then removes seven (7) bundles of money from the bank drawer and places the bundles into a large Michael Kors handbag. Surveillance footage shows D.Y. departing the cage at approximately 2:13 p.m. with the bag full of cage cash. Later investigation revealed that D.Y. walked out of the cage with approximately \$700,000 in U.S. currency. D.Y. left the cage cellular telephone behind, on which she had been talking to the +52 998 7307909 caller and texting “L.M.” A coworker then called casino surveillance and explained that she just watched D.Y. leave the cage with a bag full of money.

11) Casino surveillance video recorded D.Y. on her personal cellular telephone at approximately 2:15 pm after exiting the cage. In a later interview, D.Y. reported to investigators that she then received a call from phone number +52 998 7307909 on her personal cell phone. She remained on the phone with this caller for approximately one (1) hour and 56 minutes.

12) D.Y. departed the casino property at approximately 2:18 p.m. Pokagon Tribal Police Department (PTPD) was contacted minutes later regarding the

incident, and efforts were commenced to locate D.Y., who had departed the area in her 2014 Chevrolet Equinox.

13) At approximately 3:57 p.m. Eastern Time, 2:57 Central Time, D.Y.'s vehicle was observed on automated license plate readers at the Highway 12 and Interstate 65 near Gary Indiana, and a broadcast was made to Indiana State Police. The vehicle was shortly thereafter located at a Citgo gas station at 901 E. 5th Street, Gary, IN. Law enforcement was able to locate D.Y. because she had contacted her supervisor, L.M. and told him where she was. L.M. then notified PTPD, who dispatched local police to the location. D.Y. was taken into custody.

14) During an interview of D.Y., she stated that she believed the individual calling from number +52 998 7307909 was the Pokagon Band tribal chairman. D.Y. explained that she remained on the phone with this person even after she departed the casino, and this person ordered her to read off every exit that she drove by. D.Y. stated she stopped at a Walmart in Benton Harbor, Michigan, and purchased a pre-paid phone under the instruction of the caller. A receipt for the purchase was located in the vehicle, and surveillance footage from the Walmart showed D.Y. covering the bag with the money inside her car with a piece of clothing while she entered the store, D.Y. purchased the phone, and departed, continuing on I-94 towards Indiana.

15) D.Y. stated the caller from phone number +52 998 7307909 initially told her to take exit 19 in Portage, IN, but she missed the exit. D.Y. then entered the toll road, I-80, and exited at Highway 12 in Gary, IN. The caller than instructed

D.Y. to select a gas station, pull in, and tell him where it was. D.Y. estimated that she waited approximately 15 minutes to meet with the caller after providing him the location of the Citgo gas station, which was located at 901 E. 5th Avenue, Gary, IN. D.Y. was instructed to put her hazards on her vehicle so that she could be identified.

16) D.Y. said that she was parked next to the gas station building when a black Chrysler Pacifica, occupied by at least two males, pulled in by the gas pumps. D.Y. described the front passenger of the Chrysler Pacifica as a Hispanic male approximately 37 years of age, clean-cut with a goatee. D.Y. said that he approached her vehicle. D.Y. was still on the phone with the caller, who asked D.Y. to describe the individual who approached her. She said that he was wearing a grey construction shirt with a picture of a black, red, and white symbol with lumber inside the symbol. D.Y. was then instructed to pull up next to the Chrysler Pacifica at the gas pumps, which she did. D.Y. then handed each bundle of money individually to the man wearing the grey construction shirt. D.Y. was on the phone throughout this encounter and was instructed by the caller to remain on the phone after the individuals departed, which she did for approximately 5 minutes. D.Y. observed the Chrysler Pacifica head Eastbound on Highway 20/12.

Identification of Jesus GAYTAN-GARCIA

17)Based upon this information, a search of automated license plate readers in the area for a black Chrysler Pacifica within this time frame returned a Chrysler Pacifica heading Eastbound on Hwy 12 and I-65, less than one mile

from the Citgo gas station, bearing Illinois plate BX82038, registered to A.B., JESUS GAYTAN-GARCIA's wife at 5927 S. Keeler, Chicago, IL.

18) Separately, the black Chrysler Pacifica was located by an automated license plate reader heading Southbound on I-80 in the vicinity of Portage, IN at approximately 2:45 p.m., a little under 9 miles from the Citgo gas station, and again traveling Westbound on US12 and I-65 in the direction of the Citgo gas station at approximately 3:04 p.m. Central Time. Further automated license plate reader inquiries returned that the vehicle traveled from the Gary, IN, location, to I-80 freeway towards Illinois, heading Northbound on I-90/I-94 at the 63rd Street exit in the vicinity of Chicago, IL at approximately 3:56 p.m. Central Time. This matches the approximate time when D.Y. met with the unknown subjects at the Citgo gas station.

19) Late September 2023 searches of automated license plate reader systems for a Chrysler Pacifica bearing Illinois plate BX82038 indicated that the vehicle had traveled from Chicago to California and back to Chicago between September 19 and September 28, 2023. An inquiry of FBI databases for any law enforcement checks for the aforementioned plate returned results that Colorado State Patrol ran the plate for a traffic stop on September 26, 2023, at mile post 145 on I-76 in Logan County. The vehicle was traveling 109 mph in a 75-mph zone. Records and bodycam footage were formally requested from Colorado State Patrol, which provided information that the driver of the Chrysler Pacifica was Jesus GAYTAN-GARCIA, date of birth 08/XX/1980, and resident address 5927 S.

Keeler, Chicago, IL, the same address as A.B. GAYTAN-GARCIA also gave cellular telephone number 773-715-7594 as his contact number. Information obtained from other accounts later indicated that this phone number belongs to A.B. Bodycam footage from the stop showed that the two adult occupants of the Chrysler Pacifica matched known photos of Jesus GAYTAN-GARCIA and A.B.

20)Google provided investigators with subscriber information for an email account gaytanj570@gmail.com, which open-source social media searches revealed was associated with Jesus GAYTAN-GARCIA. Google provided a name of Jesus Gaytan and a telephone number of (312) 366-7203 and IP logs. An administrative subpoena to Comcast for IP 73.58.98.179 assigned on 07-14-2023 at 20:11:46 Z and 07-17-2023 at 18:20:26 Z returned the following subscriber information:

Subscriber Name: [A.B]
Service Address: 5927 S KEELER AVE
CHICAGO, IL 606294918
Billing Address: 5927 S KEELER AVE
CHICAGO, IL 606294918
Telephone #: (773) 715-7594

21)Google also responded to a search warrant requesting geolocation information for gaytanj570@gmail.com on July 30, 2023, the day of the Hartford Casino heist. Analysis of the information provided by Google indicated that between 1:00pm and 2:00pm, the account headed east from near the address on S. Keeler in Chicago, traveling towards Indiana on I-90. Between 2:00pm and 3:00pm, the account travels towards Portage, IN. The account then travels back west and pings at 901 E. 5th Avenue, Gary, IN at 3:08pm, which was the

approximate time when D.Y. met with the unknown subjects at the Citgo gas station.

22) Searches of law enforcement financial databases provided information that a “Jesus Gaytan,” date of birth 08/XX/1980, sent Western Union wire transfers providing an address of Jackson Street, Sunman, IN to Jalisco, Mexico, in the amounts of \$1,300 and \$1,826.70 on July 30 and July 31, 2023, respectively. The date of birth and driver’s license numbers are a match for GAYTAN-GARCIA. The telephone number for the sender of both transactions was listed as (312) 366-7203.

23) A search for (312) 366-7203 within tower dump search warrant returns from cell towers in Portage, IN, and Gary, IN, located near where the money was passed from D.Y. to the unknown subjects driving the Chrysler Pacifica on July 30, 2023, returned data hits on both locations within the AT&T information. This means that this cellular telephone assigned the number (312) 366-7203 was being used for data at these locations on the same day, around the time, of the Citgo gas station money exchange.

24) AT&T provided subscriber information for (312) 366-7203. AT&T records revealed that the user was “Jesus Gaitan,” but the billing party was a Jorge Cruz, who resided on W. Marquette Road in Chicago, IL⁴. Though I believe

⁴ I am aware of the full address on W. Marquette Road. I have omitted the exact location to protect the personal identifiable information of Jorge Cruz. I can provide the exact address to the Court upon request.

that this “Jesus Gaitan” is the same person as JESUS GAYTAN-GARCIA, the records do not provide additional identifiers or an address that affirms that they are the same person.

25) AT&T also responded to a search warrant requesting geolocation information for (312) 366-7203 on July 30, 2023. Analysis of the geolocation for this number indicates that it traveled eastbound from Chicago on July 30, 2023, and turned around near Portage, IN, stopping at the location of the Citgo gas station in Gary, IN, at the date and time that D.Y. met the unknown individuals and gave them the money. Comparison to the Google results indicated that that the path and location times for (312) 366-7203 mirrored those of the Google account gaytanj570@gmail.com.

Search of Jesus GAYTAN-GARCIA’S Residence

26) On February 28, 2024, the FBI, accompanied by Pokagon Tribal Police Detectives, executed a federal search warrant of 5927 S. Keeler, the residence of A.B. and GAYTAN-GARCIA. Though GAYTAN-GARCIA’s known vehicle, a black 2020 Chevrolet Silverado pickup, VIN 3GCPYEEK1LG243055, bearing Illinois plate 374005B, was observed at the residence, he had departed the location approximately 1:00 a.m. that morning.

27) A.B. and GAYTAN-GARCIA’s 23-year-old daughter, Y.G., were present during the search of the residence. Both participated in interviews with law enforcement on scene. These interviews revealed that GAYTAN-GARCIA and his

partner, A.B., were separated after becoming estranged after the September 2023 California trip.

28) Y.G. told investigators after late July 2023, GAYTAN-GARCIA seemed to suddenly have a lot of money. She said that in August 2023, GAYTAN-GARCIA purchased a trailer in Batesville, IN. She stated that GAYTAN-GARCIA purchased an additional trailer in Sunman, IN in November 2023. GAYTAN-GARCIA paid approximately \$90,000 for both trailers. Y.G. explained that GAYTAN-GARCIA lives at the Batesville address and intends to rent the trailer in Sunman.

29) Y.G. also reported that GAYTAN-GARCIA maintains two guns at the Batesville trailer and purchased several gold coins after the Hartford Casino theft in July 2023. Y.G. showed investigators a video of GAYTAN-GARCIA shooting the guns. A subsequent inventory search of GAYTAN-GARCIA's vehicle on February 28, 2024, recovered two handguns from the truck bed.

30) Barajas admitted that on July 30, 2023, GAYTAN-GARCIA used her car (the black Chrysler Pacifica) and Barajas saw a lot of money on the table in the garage that day in \$100 denominations.

31) Investigators located in a safe in the basement of the 5927 S. Keeler residence. Inside of this safe they found a bundle of \$100 bills with a wrapping reading, "SOFT COUNT, JUL 30 2023, HARTFORD," as pictured below. This is significant because the date July 30, 2023, is the same date of the Hartford Casino

theft (see paragraph 6, *supra*) and the word “HARTFORD” matches the name of the Hartford Four Winds Casino, where the money was taken on July 30, 2023.



32) At the direction of law enforcement on scene of the search warrant, Y.G. called GAYTAN-GARCIA and requested that he come to the 5927 S. Keeler residence. GAYTAN-GARCIA refused. His current whereabouts are unknown.

Conclusion

33) Based on the above information, there is probable cause to believe that on or about July 30, 2023, in Van Buren County, Michigan in the Southern Division of the Western District of Michigan, Jesus GAYTAN-GARCIA committed theft from an Indian tribal organization, in violation of 18 U.S.C § 1163.