

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
26-mj-80 DJF

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Richard Berger, being duly sworn, do hereby state as follows:

INTRODUCTION & AGENT BACKGROUND

1. I am Special Agent with the U.S. Homeland Security Investigations, Department of Homeland Security (HSI) and have been so employed since September 2009. I am a graduate of the Federal Law Enforcement Training Center, which consisted of the Criminal Investigator Training Program, and U.S. Immigration and Customs Enforcement Special Agent Training.

2. Prior to working with HSI, I was employed as a U.S. Customs and Border Protection Officer for approximately four years. During my career, I have conducted and participated in multiple investigations involving the unlawful importation and the distribution of controlled substances, the assault and hinderance of federal officers while engaged in the performance of their official duties, fraud and identity theft violations, export violations, financial crimes, illegal alien smuggling and human trafficking violations, child pornography, and various immigration violations. During these investigations, I have conducted physical surveillance, executed arrest and search warrants, reviewed tape-recorded conversations, and

personally interviewed numerous sources of information as well as confidential sources.

3. This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Paul Ervin JOHNSON for forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with federal officers in performance of their official duties, with bodily injury to federal officers, in violation of Title 18, United States Code, Section 111(a) and (b).

4. This affidavit is based on my personal knowledge, as well as information I have learned from other law enforcement officers and the review of reports, written materials, and recordings at the time of writing of this affidavit. This affidavit does not include all of the details I have learned regarding this investigation. Rather, it only includes information believed to be sufficient to establish probable cause.

PROBABLE CAUSE

5. On January 22, 2026, Customs and Border Protection Officers (“CBPOs”) and United States Border Patrol Agents (“BPAs”) were conducting enforcement operations in Minneapolis, MN. All law enforcement officers involved were wearing law enforcement badges and patches as part of their uniforms or issued law enforcement equipment.

6. After completing an arrest of a separate individual during and in the course of their official duties, CBPOs noticed that a yellow van had begun following their vehicle after the officers had completed the arrest.

7. At a certain point, the driver of the yellow van (later identified as Paul Ervin JOHNSON), exited his vehicle, approached the vehicle driven by CBPOs with a baseball bat in JOHNSON's hand. Officers commanded JOHNSON to stop approaching the vehicle and to get back. JOHNSON then went back to his vehicle, left the baseball bat in his vehicle, and grabbed a canister with a handle containing pressurized oleoresin capsicum ("OC"). From my professional knowledge, training, and experience, OC spray is irritant on the use-of-force spectrum. The spray of OC can cause intense pain and incapacitation. Further, a burst of pressurized OC spray from close proximity to an eye can result in hydraulic needling, causing serious and permanent bodily harm. JOHNSON then reapproached the vehicle driven by the CBPOs. He sprayed the passenger side of the vehicle with the OC spray.

8. Shortly after this encounter and with knowledge of JOHNSON's actions stated above, supporting CBPOs and BPAs engaged with JOHNSON to effectuate his arrest. Law enforcement officers approached each side of JOHNSON's yellow van and issued commands to exit his vehicle. JOHNSON did not follow commands. Law enforcement officers broke the windows of JOHNSON's vehicle, which was still running. JOHNSON then resisted arrest through physical contact with the officers and attempted to change the gears of his vehicle while officers were attempting to enter the vehicle.

9. While being arrested, JOHNSON reached for his can of OC spray and directed it at the officers. He expelled the OC spray it in the cabin of his vehicle and directly at the officers in his immediate proximity. The stream of OC spray made

contact with multiple officers, including in their faces and eyes. This caused the officers serious irritation, pain, and a loss of visibility. JOHNSON was arrested and taken into custody.

10. JOHNSON is no longer in custody.

CONCLUSION

11. Based on the information set forth above, there is probable cause to believe that the Defendant, Paul Ervin JOHNSON, forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with federal officers in performance of their official duties, with bodily injury to federal officers, in violation of Title 18, United States Code, Section 111(a) and (b).

Further your Affiant sayeth not.



Richard Berger
Special Agent, HSI

SUBSCRIBED and SWORN before me
by reliable electronic means via FaceTime
and email pursuant to Fed. R. Crim. P. 41(d)(3) on
January 26, 2026



DULCE J. FOSTER
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MINNESOTA