

FILED

UNITED STATES DISTRICT COURT

JUL 01 2024

for the
Eastern District of North Carolina

PETER A. MOORE JR., CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

United States of America
v.
Michael Shawn Johnson
Defendant(s)

Case No. 5:24-mj-1877-RN

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 June 29, 2024 in the county of Wake in the Eastern District of North Carolina, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: 18 U.S.C. § 922(g)(8), Unlawful for any person who has been subject to a court order that restrains the individual from harassing, stalking, or threatening an intimate partner or the child of such intimate partner or person to knowingly possess a firearm, and the firearm was in and affecting interstate commerce.

This criminal complaint is based on these facts:

See attached

Continued on the attached sheet.

/s/ Pete Mines
Complainant's signature
Pete Mines, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 over the telephone.

Date: July 1, 2024
City and state: Raleigh, NC
Robert T. Numbers II, United States Magistrate Judge
Judge's signature
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Pete G. Mines, Special Agent, Federal Bureau of Investigation (FBI), being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I, Pete G. Mines, a Special Agent of the Federal Bureau of Investigation (FBI), am a “federal law enforcement officer within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), and as such am authorized to investigate violations of federal laws and request and execute search and arrest warrants issued under the authority of the United States. I am a sworn law enforcement officer and have been so for approximately eight (8) years. Your Affiant is currently employed by the FBI and assigned to the Charlotte Division, Raleigh Resident Agency, Joint Terrorism Task Force (JTTF). Prior to this assignment, Your Affiant was employed as a Special Agent for the Air Force Office of Special Investigations assigned to Seymour-Johnson Air Force Base, North Carolina. Your Affiant has drafted or assisted in drafting arrest and search warrants that have been presented to, and signed by, federal magistrate judges. Your Affiant has also conducted and assisted in numerous criminal investigations to include drugs, gangs, bank robberies, firearms violations, fugitives, public corruption, financial crimes, human trafficking, bomb threats, and terrorism.

2. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, your affiant has set forth only those facts that your affiant believes are necessary to establish probable cause. The facts in this affidavit come from your affiant’s personal

observations, my training and experience, and from information obtained from other agents, law enforcement officers, and/or witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

APPLICABLE STATUTES

3. 18 U.S.C. § 922(g)(8) makes it unlawful for any person who has been subject to a court order that restrains the individual from harassing, stalking, or threatening an intimate partner or the child of such intimate partner or person to knowingly possess a firearm, and that the firearm was in and affecting interstate commerce.

PROBABLE CAUSE

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses.

5. On June 29, 2024, members the Federal Bureau of Investigation (FBI) and Raleigh Police Department (RPD) were contacted by an individual (hereinafter "Witness A") who serves as the Security and Safety Chair for the Islamic Association of Raleigh (IAR, located at 808 Atwater Street, Raleigh, North Carolina (NC)). Witness A disclosed the IAR was concerned with pictures posted by Michael Johnson that same day on the social media platform Instagram. The pictures depicted Johnson standing in front of the IAR brandishing a firearm. Johnson was wearing a white t-shirt and unique blue jeans and stood next in front of a gray 2010 Acura TL. Witness A expressed additional concern because the IAR was hosting a summer camp for several young children the same day the picture was posted on Instagram. A copy of the posts are as follows:



6. Witness A advised that Johnson was trespassed from the IAR in March 2024 after Johnson took photographs and videos of juveniles, approximately between the ages of six (6) and nine (9), without their parents' consent at the IAR. Johnson at some point also attempted to call a handicapped child at the IAR away from their parents so the child could perform yoga with Johnson.

7. The day Johnson was trespassed several parents began to complain to Witness A. Witness A and a member of the RPD confronted Johnson about the pictures and videos. Witness A explained this sort of behavior was not allowed and asked him to delete the pictures and videos. Johnson became angry and refused to do so. Witness A informed Johnson that he would be

trespassed from the IAR if he did not delete the pictures and videos. Johnson deleted the pictures and videos, then turned to the children and stated that he would be back for them tomorrow. Johnson also expressed to the juveniles that he loved them and would take more pictures of them. At this point Witness A informed Johnson he was trespassed from the IAR and asked him to leave. In the process of RPD escorting Johnson from the property, RPD became aware there was an active warrant for his arrest. As RPD arrested Johnson he looked at Witness A and stated "I'm coming for you. I'm coming back for you," which Witness A took to be a threatening statement. Johnson then addressed the children again and stated he would be back for them.

8. The FBI and RPD conducted a criminal history check of Johnson which disclosed a protective order was in place against Johnson which prohibited him from possessing a firearm. Your Affiant contacted Pennsylvania State Police (PSP) Troop J Police Communications Operator (PCO) Sara Desko regarding the protection order. PCO Desko disclosed the protection order was active and Johnson was served the protection order. PCO Desko provided your Affiant a copy of the protection order and the proof of service. A review of the documents disclosed the continued order was served by Deputy Sheriff T. Dickens on December 13, 2022 in Baltimore, Maryland (MA). Furthermore, the protection order was in place and effective from February 8, 2023 to February 8, 2026 and enforceable in all 50 states. The order also advised Johnson he could be charged with a violation of 18 U.S.C. § 922(g)(8) if he possessed a firearm while the order was in effect.

9. On June 29, 2024, your Affiant and FBI SA Andrew Earl conducted a drive-by surveillance of 6137 St Giles Street, Apartment E, Raleigh, NC, the last known residence of Johnson. Your Affiant and SA Earl saw a gray 2010 Acura TL, NC License Plate LCH8237,

parked outside of the residence. The vehicle matched the vehicle depicted in the Instagram post. The FBI and RPD initiated a surveillance in the vicinity of the residence in attempt to locate Johnson.

10. During the course of surveillance, law enforcement saw an individual matching the description of Johnson walking near 4112 Pleasant Valley Road, Raleigh, NC. In addition, the individual was wearing a white t-shirt and unique blue jeans that matched the clothing Johnson was wearing in the Instagram posts. Law enforcement approached and detained the individual. Your Affiant verified the individual was Johnson by his NC Driver's License, number 37499046, which was on his person. In addition, Johnson was carrying a loaded Springfield Armory XD, 40 caliber, serial number XD542444, handgun. The firearm appeared to match the depiction of the firearm in the Instagram post. The firearm was removed from Johnson's person. Johnson was subsequently arrested by the RPD for violation of NC General Statute (GS) 50B-4.1(F), "Domestic Violence Protective Order Violation," and NC GS 14-269(A1), "Carrying a Concealed Gun." A picture of the firearm and Johnson's person during his arrest are as follows:



11. On June 30, 2024, FBI SA Eric Nye (ATF certified firearms nexus examiner) examined the Springfield Armory XD, 40 caliber, serial number XD542444, handgun, for purposes of determining whether the firearm moved in interstate or foreign commerce. SA Nye determined the firearm was not manufactured in the State of North Carolina, and therefore must have been shipped or transported in interstate or foreign commerce for it to be received or possessed in the state of North Carolina.

CONCLUSION

12. Based on the information presented in this Affidavit, I respectfully submit that there is probable cause that Michael Johnson violated 18 U.S.C. § 922(g)(8) when he possessed a firearm on June 29, 2024 in the presence of law enforcement and in direct violation of a court order.

/s/ Pete Mines
Pete G. Mines
Special Agent
Federal Bureau of Investigations

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this written affidavit.
Dated: July 1, 2024

Robert T. Numbers II
Robert T. Numbers, II
United States Magistrate Judge