

Approved:

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Before: THE HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

- - - - - X : **SEALED COMPLAINT**
UNITED STATES OF AMERICA : Violations of 18 U.S.C.
- v. - : §§ 875, 115, and 2.
: COUNTY OF OFFENSE:
RICKEY JOHNSON, a/k/a "Nigel Dawn Defarren," : NEW YORK
Defendant. :
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

DAVID COWAN, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Threatening Interstate Communications)

1. From at least on or about January 30, 2021, through on or about February 4, 2021, in the Southern District of New York and elsewhere, RICKEY JOHNSON, a/k/a "Nigel Dawn Defarren," the defendant, knowingly transmitted in interstate and foreign commerce a communication containing a threat to injure the person of another, to wit, JOHNSON posted videos on the internet in which he threatened to kill (i) four cable news contributors ("Broadcaster-1" through "Broadcaster-4"), (ii) a United States Senator ("Senator-1"), (iii) a member of the United States House of Representatives ("Representative-1"), (iv) a former Speaker of the United States House of Representatives ("Former Speaker-1"), and (v) a state governor ("Governor-1").

(Title 18, United States Code, Sections 875(c) and 2.)

COUNT TWO

(Threatening a United States Official)

2. On or about February 4, 2021, in the Southern District of New York and elsewhere, RICKY JOHNSON, a/k/a "Nigel Dawn Defarren," the defendant, threatened to murder a United States official with intent to impede, intimidate, and interfere with such official while engaged in the performance of official duties, and with intent to retaliate against such official on account of the performance of official duties, to wit, JOHNSON posted videos on the Internet in which he threatened to kill Senator-1 and Representative-1.

(Title 18, United States Code, Sections 115(a)(1)(B) and (b)(4), and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

3. I am a Detective with the NYPD's Intelligence Bureau, Leads Investigation Unit, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and other people, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my participation in this investigation, including my review of publicly available information, documents from internet and social media providers, law enforcement reports and records, and my conversations with witnesses, law enforcement officers, and others, as well as my training and experience, I have learned the following, in substance and in part, with respect to threats posted on the Internet by RICKY JOHNSON, a/k/a "Nigel Dawn Defarren," the defendant:

a. On or about January 30, 2021, JOHNSON used an Instagram account ("Johnson Instagram Account-1")¹ to send private messages to the Facebook account of Broadcaster-1, including messages referencing Broadcaster-2 and Broadcaster-3. JOHNSON's messages stated, in part:

you will all be held accountable

you do not belong on television

you want a trash government that is now the leading cause of death in america to continue to kill americans

dumpler

you will be killed

tell [first name of Broadcaster-2] and [first name of Broadcaster-3], and can not find their pages

they will be killed as well

b. On or about February 3, 2021, JOHNSON posted publicly on Johnson Instagram Account-1 a video containing footage

¹ The subscriber information for an IP address associated with a January 30, 2021 login to Johnson Instagram Account-1 lists the street address of an apartment building in Manhattan ("Apartment Building-1") as the subscriber's address, but the name of an individual other than RICKY JOHNSON, a/k/a "Nigel Dawn Defarren," the defendant, as the subscriber. In or about November 2018, the NYPD issued a traffic summons to JOHNSON, which lists Apartment Building-1 as JOHNSON's address. In or about December 2020, JOHNSON provided the street and an apartment number (but not the building number) of Apartment Building-1 as his address while reporting an accident to the NYPD.

that depicted Broadcaster-1, Broadcaster-2, and others. JOHNSON narrated the post by stating, in part²:

You all kill police officers. Donald Trump supporters kill police officers. . . . You don't know what you're talking about. I'm gonna kill you.

[. . .]

Hey [Broadcaster-2], make sure we're clear, I am going to kill you. And this whole world will know, I am going to kill you.

[. . .]

Hey [Broadcaster-1], I don't wanna hear your voice anymore. . . . I'm killing all of you all.

[. . .]

Make sure we're clear, I am speaking to you on my Instagram live, I am going to kill you all.

c. On or about February 4, 2021, JOHNSON posted publicly on Johnson Instagram Account-1 a video that depicted an interview with Senator-1 and commentary by Broadcaster-2, among others. JOHNSON narrated the post by stating, in part:

[Referring to Senator-1] He's dead, he is fucking dead. . . . [Senator-1] will be executed. . . . I'm killin' they ass, you think I'm jokin', and you gonna know I fuckin' did it.

² Based on my review of the videos described herein posted to Johnson Instagram Account-1, the same male voice narrates each video. Based on my review of (i) a law enforcement video depicting RICKY JOHNSON, a/k/a Nigel Dawn Defarren, the defendant, in the vicinity of the December 2020 accident referenced in footnote 1, *supra*, and (ii) videos of JOHNSON posted on social media, I believe the voice in the above-described videos posted to Johnson Instagram Account-1 is JOHNSON's.

[. . .]

[To Broadcaster-2:] You're dead, I'm gonna kill you. . . . I am going to take your life, I'm going to tell you before I do it like I am doing right now, but I'm going to look you in your fucking eye and I'm gonna take your fuckin' life, and everyone that knows I took your life is gonna know why.

d. On or about February 4, 2021, JOHNSON posted publicly on Johnson Instagram Account-1 a video containing footage from interviews of Representative-1 and Governor-1 by Broadcaster-4. JOHNSON narrated the post by stating, in part:

[To Representative-1:] Ma'am, you are dead. Make sure we understand one another. You are dead. . . . Smile. I am going to kill you.

[. . .]

[Broadcaster-4], you should stop, but you're not because you're paid to kill people. [Broadcaster-4], you will be killed. I want you dead. You are a racist domestic terrorist.

[. . .]

[Governor-1] will be executed. I don't care about what [Governor-1] thinks. [Governor-1] is a domestic terrorist. [Governor-1] will be killed in the name of the United States Constitution.

e. On or about February 4, 2021, JOHNSON posted on Johnson Instagram Account-1 a video containing footage from an interview of Former Speaker-1. JOHNSON narrated the post by stating, in part:

I want this white woman dead. I want [Broadcaster-4] dead. I want [Broadcaster-4] murdered. . . . [Broadcaster-4], I am going to personally kill you. . . . I am going to kill you.

[. . .]

[To Former Speaker-1:] I am going to kill you. I'm gonna kill all of you. . . . You're going to have an opportunity to speak before I kill you. You all don't think I can kill you. . . . I'm going to use the constitution on all of you. I'm going to kill all of you, and everyone's going to know it.

[. . .]

[Broadcaster-4], I am going to kill you with my bare hands. It's not insane, it's an American. And you're an enemy to the American society. [Former Speaker-1], I am going to take your life.

[. . .]

I am going to kill all of you fucking terrorists. Every fucking one of you. I'm going to kill you. . . . What I recommend you all do, Miss [Broadcaster-4] and [Former Speaker-1], is get your fucking coin together and kill me, because I'm telling you, I'm coming to kill all of you.

f. Broadcaster-1 was in Manhattan when he received JOHNSON's messages sent on January 30, 2021. See para. 4(a), *supra*.

g. Each of Senator-1, Representative-1, Governor-1, and Former Speaker-1 represents or represented a state other than New York.

WHEREFORE, your deponent respectfully requests that a warrant be issued for the arrest of RICKY JOHNSON, a/k/a "Nigel Dawn Defarren," the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

/s/ sworn telephonically

DETECTIVE DAVID COWAN
New York City Police Department

Sworn to me through the
transmission of this Affidavit
by reliable electronic means, pursuant to
Federal Rule of Criminal Procedure 4.1,
11th day of February, 2021

Gabriel W. Gorenstein

THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK