

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

Case No. 20-mj-78

DEVONERE JOHNSON,

Defendant.

COMPLAINT FOR VIOLATION OF
TITLE 18, UNITED STATES CODE, SECTION 1951

BEFORE United States Magistrate Judge
Stephen L. Crocker

United States District Court
120 North Henry Street
Madison, Wisconsin 53703

The undersigned complainant being duly sworn states:

COUNT 1

1. At times material to this complaint, Business 1, Madison, Wisconsin, was a business located in the Western District of Wisconsin, which engaged in interstate commerce and obtained inventory and products originating outside the State of Wisconsin.

2. On or about June 22 and June 23, 2020, in the Western District of Wisconsin, the defendant,

DEVONERE JOHNSON,

knowingly attempted to obstruct, delay, and affect interstate commerce and the movement of articles and commodities in interstate commerce by extortion as that term is defined in Title 18, United States Code, Section 1951, in that the defendant attempted

to obtain money by consent induced by the wrongful use of threatened force, violence, and fear, specifically, JOHNSON threatened that the windows of Business 1 would be destroyed unless a person associated with this business made a payment to JOHNSON's Venmo account.

(In violation of Title 18, United States Code, Section 1951).

COUNT 2

1. At times material to this complaint, Business 2, Madison, Wisconsin, was a business located in the Western District of Wisconsin, which engaged in interstate commerce and obtained inventory and products originating outside the State of Wisconsin.

2. On or about June 22 and June 23, 2020, in the Western District of Wisconsin, the defendant,

DEVONERE JOHNSON,

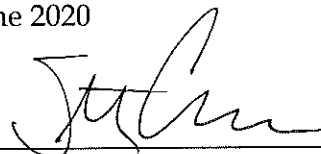
with others, known and unknown, knowingly attempted to obstruct, delay, and affect interstate commerce and the movement of articles and commodities in interstate commerce by extortion as that term is defined in Title 18, United States Code, Section 1951, in that the defendant attempted to obtain property by consent induced by the wrongful use of threatened force, violence, and fear, specifically, JOHNSON, with others, threatened to shut down Business 2 and have rioters destroy and burn down the business unless JOHNSON and his associates were provided free food and beverages.

(In violation of Title 18, United States Code, Section 1951).

This complaint is based on the attached affidavit of Beth Boxwell.

Special Agent Beth Boxwell
Federal Bureau of Investigation

Sworn to me telephonically this 26th day of June 2020



HONORABLE STEPHEN L. CROCKER
United States Magistrate Judge

COUNTY OF DANE)
) ss
STATE OF WISCONSIN)

AFFIDAVIT

I, Beth Boxwell, first being duly sworn under oath, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been employed by the FBI since 2004. I am currently assigned to the Milwaukee Field Office, Madison Resident Agency. Since becoming a Special Agent, I received specialized training in conducting criminal investigations, and my responsibilities include conducting investigations of alleged criminal violations of federal statutes and laws.

2. The information contained in this affidavit is based upon information provided to me by the assigned detectives and officers with the Madison Police Department and my own investigation. I know these detectives to be reliable inasmuch as the information they provide herein is the result of their official investigation into this matter.

3. The facts and information contained in this affidavit are based upon my personal knowledge, information obtained from federal and state law enforcement officers, and information obtained from interviews and analyses of reports. I believe the several business owners who were interviewed because they are independently corroborated by each other and by video and still images and because they have no reason to fabricate. 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. Based on the information described below, I believe that there is now probable cause that the defendant, DEVONERE JOHNSON, has violated Title 18, United States Code, Section 1951.

PROBABLE CAUSE

4. I know that since approximately May 30, 2020, the downtown Capitol Square and State Street areas in Madison have been the site of numerous protests. After the peaceful protests, there were several days of civil unrest in the area during which rioters engaged in property damage including graffiti, arson to a Madison Police Department squad car, destruction of property, and breaking of dozens of windows of local businesses. Many of the businesses boarded up their windows with plywood, most of which remains in place due to the threat of additional unrest, riots, and destruction of property. As detailed below, DEVONERE JOHNSON and others sought to extort multiple downtown Madison business owners by exploiting the circumstances involved with the danger and destruction associated with the looting, vandalism, and rioting that followed the peaceful protests. The several businesses below are not named to avoid these businesses from being further victimized.

Business 1

5. Business 1 is a bar and restaurant in downtown Madison, located in the Western District of Wisconsin, which engaged in interstate commerce and obtained inventory and products originating outside the State of Wisconsin. On this point,

Detective Manny Gatdula spoke with the owner of Business 1 who told me that the business purchases food, beverages, and supplies that are made outside of Wisconsin.

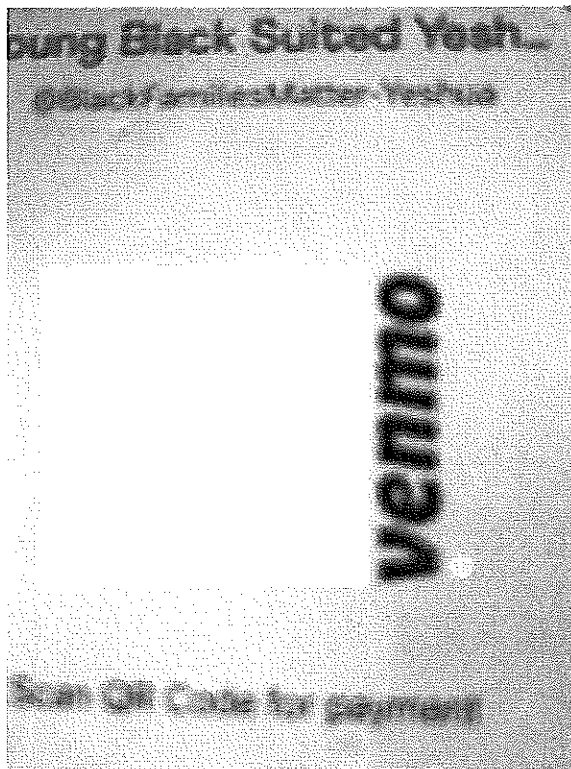
6. On June 23, 2020, at approximately 6:00 p.m., Madison Police Detective Manuel Gatdula spoke with the owner of Business 1 (Owner 1). Business 1 had recently removed the protective plywood from its windows.

7. Owner 1 said that on June 22, 2020, at around 3:00 p.m., he was working in the basement of his bar and restaurant when one of his employees came down to say that someone was inside of the business with a loud boom box causing a disturbance. Owner 1 went up to the main floor and saw a person later identified as DEVONERE JOHNSON. JOHNSON was with another man whose name is withheld pending further investigation.

8. Owner 1 said that JOHNSON had his feet on the table with a modern looking boom box that was blasting music. Owner 1 asked JOHNSON to turn the music down, but it was so loud he could not clearly hear what JOHNSON was saying. At one point JOHNSON said "I can hear you." Owner 1 then sat down next to JOHNSON to better communicate with him.

9. Owner 1 tried to reason with JOHNSON to turn the music down. At one point, Owner 1 told JOHNSON that he supports the cause and that he had donated money to support the Black Lives Matter movement. JOHNSON responded by asking Owner 1 "what have you done locally?" Owner 1 thought that JOHNSON was asking for money. At that point, JOHNSON said "Give me money or we'll break windows." JOHNSON then said, through the loud music, "Venmo me money."

10. Owner 1 knows that Venmo is a smart phone application that allows people to send each other money. JOHNSON took his phone out and told Owner 1 to take a picture of the Venmo code on JOHNSON'S phone. Owner 1 saw what looked like a bar code on JOHNSON'S phone and took a picture of it to pacify JOHNSON. Owner 1 forwarded that photo to Detective Gatdula and I have pasted that image in below. The photo shows a code that needs to be scanned to be activated. On the top it says "Young Black Suited Yesh..." and under that "BlackFamiliesMatter-Yeshua." I know that JOHNSON also goes by the name Yeshua Musa.



(Venmo code redacted.)

11. JOHNSON then stood up and walked to the bar. The music was still very loud and JOHNSON said "You are all KKK!" Owner 1 said that the other man was not as loud as JOHNSON, but that the other man did say that if Owner 1 received a call

from a 618 area code it would be the other man. Owner 1 believes this area code is from Chicago and thought the statement was part of the intimidation. JOHNSON and the other man then walked out of the business.

12. Owner 1 said that he felt intimidated and extorted by the incident.

Owner 1 said that he knows what intimidation and extortion look and feel like. Owner 1 concluded that JOHNSON was trying to extort money from him. Owner 1 had heard that there was going to be a block party in front of his business on Wednesday night, June 24, 2020, and he was fearful that his business would be destroyed if he did not give JOHNSON money. Owner 1 did not consent to what happened during the incident.

13. Another employee (Employee 1) was present during this interaction and could hear parts of this conversation. Employee 1 saw JOHNSON had his feet up on the table and heard Owner 1 ask him to leave. Employee 1 heard JOHNSON tell Owner 1 "Venmo me money to my account." JOHNSON claimed to lead the group "Black Men in Suits Yish." Employee 1 heard JOHNSON speak about a block party and also that Owner 1 offered to provide food for that event. Employee 1 said "I think he wanted to extort [Owner 1]."

14. I know that Owner 1 did not make a payment to JOHNSON's Venmo account.

15. Owner 1 said that the next time that he saw JOHNSON was June 23, 2020. Officer Tray Turner interviewed Owner 1 regarding what happened that day. Owner 1 said that at approximately 11:45 a.m. he was working in the basement of the restaurant and was called upstairs. Once upstairs he saw JOHNSON with a bat and a megaphone.

Owner 1 said that JOHNSON demanded money from his restaurant. Owner 1 explained that he had donated food and thousands of dollars to the protesters and still had to explain to protesters that he did in fact support them.

16. Detective Brad Ware interviewed Employee 1 about the incident on June 23, 2020. Employee 1 said that he had called the police. Employee 1 was in the kitchen when another employee told him "the guy is back." Employee 1 said this was the same person who was there the day before and who was previously identified as DEVONERE JOHNSON.

17. Employee 1 went outside of the restaurant and saw JOHNSON seated at a table with two white males who JOHNSON did not appear to know. JOHNSON was yelling through a megaphone and had a baseball bat. JOHNSON stood up and shouted at Employee 1 with the megaphone less than a foot from Employee 1. Employee 1 described JOHNSON as "pretty loud" and said that he was "terrified." Employee 1 went inside of the restaurant and Owner 1 went outside to speak with JOHNSON. Employee 1 said that they locked the door to keep JOHNSON out, but when they unlocked it to let employees in, JOHNSON followed Owner 1 inside. Employee 1 said that JOHNSON continued to yell and call people racists. JOHNSON still had the baseball bat on his shoulder and also swung it in circles above his head. While JOHNSON did not make any motions as if to strike anyone, Employee 1 described other employees as upset and crying. Employee 1 said that he was terrified of JOHNSON and also concerned that their business would be damaged by protesters.

18. Officer Casey Amoroso spoke with another employee (Employee 2) about this incident. Employee 2 videotaped this disturbance. Employee 2 said that JOHNSON was speaking through a megaphone while inside of the restaurant. When JOHNSON went back outside to the patio area she stopped recording.

19. Officer Amoroso and I have reviewed the video taken by Employee 2. When JOHNSON entered the restaurant he was following a white male and said that he “would not be here right now if this man wasn’t a racist.” While inside of the restaurant JOHNSON said through the megaphone “I am disturbing the shit out of this restaurant” and “I got a fucking bat.”

20. I know that multiple Madison police officers responded to this disturbance. A video taken outside of the restaurant shows officers contacting JOHNSON while he was holding the bat. JOHNSON resisted arrest, was taken into custody, and placed in a squad car. JOHNSON escaped from the squad and attempted to run away, resulting in officers pursuing him. JOHNSON was booked into jail on new charges stemming from the incident and, because he was on probation, a Department of Corrections hold was placed as a detainer.

Business 2

21. Business 2, located in downtown Madison, is a bar and restaurant located in the Western District of Wisconsin, which engaged in interstate commerce and obtained inventory and products originating outside the State of Wisconsin. On this point, I spoke with the owner of Business 2 who told me that the business purchases food, beverages, and supplies that are made outside of Wisconsin.

22. Business 2 had recently removed the protective plywood from its windows facing State Street.

23. Detective Gary Pihlaja reports that he spoke with the owners of Business 2, a male (Owner 2M) and female (Owner 2F).

24. Owner 2F said that on June 22, 2020 at approximately 3:00 p.m., two black male subjects came into the restaurant. They were later identified as DEVONERE JOHNSON and the other man who had accompanied JOHNSON into Business 1 on June 22. JOHNSON had a boom box and was playing explicit music very loud. Owner 2F said that this was disruptive to the staff and patrons. Owner 2F approached JOHNSON and the other man and politely asked them to turn their music down, however they refused. JOHNSON put his feet up on the bar and said words to the effect "I can do whatever I want, we got [Business 3] shut down and we'll do the same to you." I know that Business 3 is a nearby bar also in this same downtown area which had been the subject of recent attention by protesters. Owner 2F said that she felt threatened and disturbed by JOHNSON'S words and behavior and that she continuously asked JOHNSON and the other man to leave the bar. At one point, Owner 2F said that the other man said "I'll slap the shit out of you." The men said that they were "cool" with Owner 2M. Owner 2F called the police who escorted JOHNSON and the other man out of the bar.

25. Owner 2M said that on June 23, 2020, at approximately 8:30 to 9:00 a.m., he was outside the front door when the other man came up and started talking to him. The other man said "I need to talk to you about yesterday." Owner 2M and the other

man spoke briefly, eventually joined by Owner 2F. The other man commented to Owner 2M "Where I come from, when women act like that, we beat them. That's what we'll have to do with [Owner 2F]." The conversation ended with the other man saying "We're going to get this place shut down" before leaving the bar.

26. Owner 2M said that on June 23, 2020, at approximately 11:30 a.m., he was sitting at a table inside of the bar when a person later identified as DEVONERE JOHNSON came in and wanted to talk to him. JOHNSON had a megaphone with him and was accompanied by the original other man and a third man. JOHNSON and the other two men sat down at Owner 2M's table. Owner 2M said that the three men clearly knew each other and were working together based on their interactions and the things they said. Owner 2M said that JOHNSON and the other man started talking about their negative interactions at Business 2 the previous day. Owner 2M said that the three men all told him that they wanted free food and beer "for their troubles." Owner 2M said that he would be willing to serve them but that they would have to pay for it and that he only accepted cash. The three males were insistent that Owner 2M needed to give them free food and beer to make up for the trouble that his business caused them.

27. Owner 2M said that JOHNSON told him: "We can end this now and you won't be marked like [Business 3] and forced to close. Just give us some free food and beer and we can end this now. You don't want 600 people to come here and destroy your business and burn it down. The cops are on our side. You notice that when you call them, nothing happens to us." Owner 2M asked JOHNSON "So that's it, you just

want some beer and food?" JOHNSON replied in the affirmative saying that he wanted a burger and some chips. The owners provided food and beer to the men. Owner 2M stated that he felt intimidated by JOHNSON'S threats and that is why he complied with JOHNSON'S demands for free food and beer.

28. Owner 2M said that during this incident the other man was holding a black baseball bat with the words "Black Lives Matter" written down the length of it. The other man would hold the baseball bat down by his side and swing it back and forth like a pendulum. The other man said "We can end this today, just give us some free food and beer." The other man would also stretch his arms and put the bat up on his shoulder. The other man also threatened to "beat [Owner 2F" and "slap the shit out of her." Owner 2M said that he felt threatened and intimidated by the way that the other man would hold the bat and periodically show it off by putting it on his shoulder.

29. Owner 2M said that the third man also said words to the effect of "Give us free food and beer, it's a small price to pay." Owner 2F said that while she was preparing food for the men, the third man told her "You know you're doing the right thing giving them what they want."

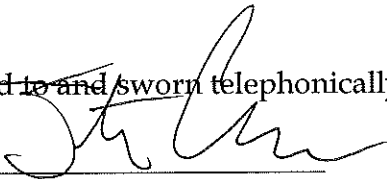
30. Owner 2M said that when he rang up the food and beer he showed the three males that he pulled out his own wallet, took out money, and put it into the cash register to cover the cost of the items. Owner 2M said that he felt compelled to do this based on the intimidating and coercive words and actions of the three men. Owner 2M said that he felt that if he did not appease these three men that they would come back and hurt him and Owner 2F, or that they would damage the business by breaking the

windows or setting it on fire. Owner 2M believed that these three men had the capability to come back potentially with even more people to follow through on this threat.

31. Owner 2M saw JOHNSON'S picture after JOHNSON got arrested on the Capitol square. Owner 2M was able to positively identify JOHNSON based on pictures he saw on social media, and that this was the same person who had come in with the boom box on June 22, 2020. Detective Pihlaja watched video surveillance footage from Business 2 and was able to identify JOHNSON as the same person as who was arrested later that morning from Business 1.

Special Agent Beth Boxwell
Federal Bureau of Investigation

Subscribed to and sworn telephonically to me this 26th day of June 2020.



Honorable Stephen L. Crocker
United States Magistrate Judge