

UNITED STATES DISTRICT COURT

for the Northern District of New York

UNITED STATES OF AMERICA

v.

JHAJUAN SABB,

Defendant

Case No. 1:20-MJ-311 (CFH)

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 of June 5, 2020, in the county of Rensselaer in the Northern District of New York, the defendant violated:

Code Section
18 U.S.C. § 875(c);
18 U.S.C. § 842(p)(2)(A)

Offense Description
Interstate threats to injure another person;
Teaching the making or use of an explosive or destructive device, and/or the distribution by any means of information pertaining to, in whole or in part, the manufacture or use of an explosive or destructive device, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a federal crime of violence

This criminal complaint is based on these facts:
Please see attached affidavit.

[X] Continued on the attached sheet.

[Handwritten signature of Sean T. Fogarty]

FBI Special Agent Sean T. Fogarty

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: June 6, 2020

[Handwritten signature of Christian F. Hummel]

Judge's signature

City and State: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

Affidavit in Support of a Criminal Complaint

I, FBI Special Agent Sean T. Fogarty, being first duly sworn, hereby depose and state as follows:

1. I make this affidavit in support of a criminal complaint charging JHAJUAN SABB, of Troy, New York, with violations of 18 U.S.C. § 875(c) (interstate threats to injure another person) and 18 U.S.C. § 842(p)(2)(A) (teaching the making or use of an explosive or destructive device, and/or the distribution by any means of information pertaining to, in whole or in part, the manufacture or use of an explosive or destructive device, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a federal crime of violence).

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since May 13, 2018. I am assigned to the Albany Field Office. My current duty assignment is with the Capital District Safe Streets Gang Task Force in Albany. In that assignment, I work with federal, state, and local law enforcement agents and officers in investigating criminal activities such as violent crime and narcotics trafficking.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all my knowledge about this matter.

Basis for a Probable Cause Finding

4. From my training and experience, I know Facebook Live to be a means of interstate communication, over the Internet, and that individuals can access Facebook Live via

phones, iPads and other tablets, and computers.

5. On June 5, 2020, law enforcement became aware of, and recorded, Facebook Live video communications from Sabb, who was using the Facebook moniker “Jhumoney Tvshow.”

6. In the Facebook Live sessions, Sabb appears as the only person on camera. He is shirtless and appears to be preparing and smoking a marijuana joint or hand-rolled cigarette. He makes repeated threats against the City of Troy, and the Troy Police Department, with respect to a large demonstration scheduled for Sunday, June 7 in Troy’s Riverfront Park. He is specific as to the type of threats (bricks and “bombs”), the targets (Troy City Hall, Troy Police Department, Troy Police vehicles), and when the threats will be carried out (the June 7 demonstration). The following transcriptions are excerpts, and are approximate. The video recordings are available for the Court’s review upon request.

- a. In the first video clip, Sabb states: “Going to City Hall. We going to the police station. We can’t warn them, either. We can’t warn them we coming, no. We just gotta show up. All that warning and, no. Sending warnings and shit, no. We cannot warn them. Cause now when they, listen man. We cannot warn nobody. When the protest, it’s time. When it’s time to protest out in Troy, niggas just gotta get up and go outside. That’s it. Get up and go outside. Can’t start warning them, nothing. Now when you warning them, ‘oh we be coming, we coming,’ these motherfuckers are prepared. Hundred percent. Motherfuckers prepared, tear gas, big guns, Tasers, everything is there. Everything is there. So we cannot throw no warnings, ‘like yo we coming.’ No. Because Troy Police gonna be ready. They ready. They already ready. Troy Police is already ready. Mmmhmmmm.”

- b. In the second video clip, Sabb states: “Right now, save all glass bottles. Throw some, throw a rag in there, glass bottle, throw a rag in there, fill it [stutters] fill half of this shit up with uhhhhh, fill half of this shit up with ummmm lighter fluid, you feel me? Boom. Now when we ready to toss this shit...” He then pauses, because a message comes onscreen from another individual, offering “molotovs” for “\$10 a bomb.” “10 dollars a bomb? Word? 10 dollars a bomb? I’m telling you how to make a bomb yourself. Why would I buy your bomb when I’m about to make my own bomb? Why would I buy your bomb when I’m about to make my own bomb?”
- c. In the third video clip, Sabb states: “Niggas is really going to Home Depot buying pallets of bricks. It’s about to go down on Sunday. All I got to say is everybody leave they weapons at home. We got bricks, that’s it. We’re gonna use bricks, [stutters] we’re gonna brick City Hall and we gonna brick the police station, that’s it. That’s it. And all the cop cars. And all the cop cars. All the cop cars gotta go too. The DEs, they all gotta get bricked. Sunday is going down baby.” (A female voice in the background says: “you’re going to go to jail.”) Sabb continues: “You said I’m going to jail. Ma... Listen man, she says I’m going to jail. I ain’t going to jail. All I gotta say is it’s a lot of shit that’s about to start happen it. First of all... nah some real shit, we cannot be screaming black lives matter and we really out here still taking black lives, we can’t be doin’ that shit.”

Conclusion

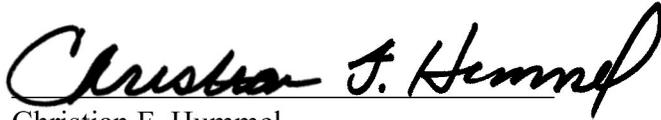
7. I respectfully submit that this affidavit supports probable cause for a criminal

complaint charging JHAJUAN SABB with violations of 18 U.S.C. § 875(c) and 18 U.S.C. § 842(p)(2)(A).

Attested to by the affiant


Special Agent Sean T. Fogarty
Federal Bureau of Investigation

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on June 6, 2020 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Christian F. Hummel
U.S. Magistrate Judge