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THOMAS G. BRUTON
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

DAVID JOHNSON

CASE NUMBER:

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 February 12, 2021, at Orland Park, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

Code Section


Offense Description

Title 18, United States Code, Section 2119(1)

with the intent to cause death or serious bodily harm took a motor vehicle that had been transported, shipped, and received in interstate commerce from the person and presence of another by force, violence, and intimidation

This criminal complaint is based upon these facts:

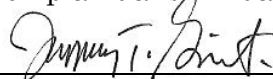
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DAVID R. LAMONTE
Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives (ATF)

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: February 15, 2021



Judge's signature

City and state: Chicago, Illinois

JEFFREY T. GILBERT, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, DAVID R. LAMONTE, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). I have been so employed since approximately 2014. Before that, I was employed as a Special Agent with the United States Secret Service since 2008. As part of my duties as an ATF Special Agent, I investigate criminal violations of federal statutes relating to firearms, narcotics, and violent crimes, including but not limited to Title 18, United States Code, Sections 922, 924(c), and 2119.

2. This affidavit is submitted in support of a criminal complaint alleging that DAVID JOHNSON has violated Title 18, United States Code, Section 2119(1). As set forth more fully below, on February 12, 2021, JOHNSON, armed with a pistol, carjacked a Mercedes Benz sedan in Orland Park, Illinois. A police officer saw the car a short time later and gave chase. That vehicle chase ended when JOHNSON crashed the car in Chicago. After the car crashed, JOHNSON fled on foot, still pursued by law enforcement. During that foot chase, JOHNSON fired at least one shot at a pursuing officer. JOHNSON was observed as he entered another car and apprehended shortly thereafter.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging JOHNSON with taking a motor vehicle by force, violence, and intimidation, I have not included

each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

4. This affidavit is based on my personal knowledge, information provided to me by other law enforcement officers, my review of reports, body worn camera video, and police car dashboard camera video, and my training and experience.

5. According to Orland Park police officers, as well as my review of police reports, on February 12, 2021, at approximately 5:22 p.m., the Orland Park Police Department's dispatch center received a 9-1-1 emergency telephone call from Victim A.¹ In summary, Victim A stated he had arrived home and stopped his vehicle on the street on the 15500 block of Hollyhock Court, in Orland Park, Illinois. Victim A was seated in the vehicle for approximately five minutes when an unknown suspect opened the driver door and pressed the muzzle of a handgun to the side of his face. As he did so, the suspect stated words to the effect of, "Don't you fucking move," and "Give me the key." Victim A described the suspect as a black male, approximately 6'1" tall, wearing a mask, with bulging eyes and a skinny nose, wearing a dark blue jacket. Victim A also described the firearm as a black handgun with a long thin barrel and an extended magazine.

6. According to Victim A, the subject ordered him out of the vehicle at gun point. Victim A complied. The suspect got into, and fled in, Victim A's car, a black

¹ All times noted in this affidavit are approximate, and times across sources have not been synchronized.

Mercedes Benz with Vehicle Identification Number 4JGDA2EB0EA353949. According to Orland Park Police Department records and other law enforcement officers, the stolen vehicle's description and license plate number were broadcast through radio channels to neighboring law enforcement agencies.

7. According to police reports and Oak Forest Police Department officers, at approximately 5:29 p.m., seven minutes after the 9-1-1 call, a police officer from the Oak Forest Police Department located the stolen car traveling eastbound towards Chicago on the 5600 block of 151st Street. The officer followed the vehicle as it travelled southbound on Central Avenue from 151st Street at a high rate of speed. The officer activated his vehicle's emergency lights and sirens in an attempt to curb the vehicle, but the vehicle continued to flee.

8. According to police reports and Oak Forest Police Department officers, a second officer from the Oak Forest Police Department ("Officer 2") located the stolen car as it was traveling southbound on the center median of Central Avenue from 158th Street at a high rate of speed.² At the time, Officer 2 was travelling northbound on Central Avenue, so he activated his vehicle's lights and sirens and turned his vehicle around in order to get behind the fleeing suspect vehicle. Officer 2 followed the stolen vehicle as it entered I-57 and headed northbound, eventually exiting at 119th Street in Chicago, Illinois. After exiting, the stolen car travelled northbound on Hamlet Avenue and struck multiple vehicles. The stolen car came to a stop when

² Based upon Google Street View images of this area, the middle of Central Avenue in this area is not a traditional median but is a slightly raised surface that is not intended for vehicle travel.

it crashed into the rear of a vehicle near the intersection of 112th and Hamlet in Chicago, at approximately 5:35 p.m.

9. According to police reports and Oak Forest Police Department officers, Officer 2 observed a man, later identified as JOHNSON, wearing a black jacket exit the driver's door of the stolen car and run eastbound on 112th Street. There were no other persons in the stolen vehicle. Officer 2 got out of his squad car and followed JOHNSON on foot while continuing to relay information over police radio channels. While JOHNSON was running, Officer 2 observed him holding what appeared to be a dark handgun in his right hand. While JOHNSON was running, he turned his upper torso towards Officer 2 and extended a handgun in the officer's direction. Officer 2 heard what he knew from training and experience to be the sound of a gunshot and saw the muzzle flash of a handgun being fired.

10. According to police reports and my discussions with Oak Forest Police Department officers, Officer 2 continued to pursue JOHNSON as he ran northbound through residential yards. Officer 2 continued to run northbound along Laflin Street, paralleling JOHNSON as he ran through the yards. Officer 2 saw JOHNSON run eastbound on 111th Street and then northbound on Bishop Street, at which point Officer 2 lost sight of JOHNSON. Officer 2 relayed his observations to other officers.

11. According to police reports and other law enforcement officers, additional officers from multiple law enforcement agencies arrived in the area and established a perimeter. A Chicago Police Officer ("Officer 3") observed a man, later identified as JOHNSON, wearing a dark colored jacket run through the alley south

of 111th Street between Bishop Street and Loomis Street. Officer 3 pursued JOHNSON but lost sight of him in the area of 111th Street and Loomis Street. Officer 3 relayed his observations to other officers.

12. According to police reports and other law enforcement officers, several CPD officers were on foot searching the area of 111th and Loomis. One of those officers (“Officer 4”) saw a man, later identified as JOHNSON, wearing a black jacket standing on the north side of 111th Street near Loomis Street. Officer 4 observed that JOHNSON was not making eye contact with the officers in the area and had his hood partly covering his face. Officer 4 also noticed that JOHNSON was speaking on his cellular phone. Officer 4 then observed JOHNSON enter the back seat of a black Acura sedan. Officer 4 relayed his observations to other CPD officers who conducted a traffic stop on the Acura in the area of 109th Place and Loomis, at approximately 6:00 p.m.

13. According to police reports and other law enforcement officers, officers approached the vehicle and saw three men inside. The officers asked all three to exit the car. Officers patted all three men down for weapons, and none were found. The back seat passenger was identified as David JOHNSON.

14. According to police reports and other law enforcement officers, officers found an iPhone model 11 cellular telephone in a red case in the back seat of the car. The case contained a State of Illinois driver’s license issued to JOHNSON. Officers also observed and seized a black jacket from the back seat of the car next to JOHNSON. While officers stood with JOHNSON, he appeared to be nervous and

began vomiting on the street. Officers asked him why he was vomiting, but he offered no explanation. JOHNSON was transported to the Orland Park Police Station.

15. According to police reports and other law enforcement officers, while JOHNSON was detained, officers conducted a show up with the officers who had observed him during his course of flight. The officers stated as follows:

- a. Officer 2 identified JOHNSON as the man he had chased, and who had fired a gun at the officer. The officer stated that JOHNSON was no longer wearing the jacket that he had been wearing during the chase and stated that the driver was wearing the jacket that JOHNSON had been wearing.
- b. Officer 3 identified JOHNSON as the man he had chased. The officer stated that JOHNSON was no longer wearing the jacket he had been wearing during the chase.
- c. Officer 4 identified JOHNSON as the man he had seen enter the Acura. The officer stated that JOHNSON was no longer wearing the jacket he had been wearing during the chase.

16. According to police reports and other law enforcement officers, Victim A was shown a six-person photo lineup containing JOHNSON's photograph. Victim A stated that the photograph of JOHNSON looked like the offender. He further stated that he believed JOHNSON was the person who stole his car from him based on JOHNSON's eyes and nose, which were all Victim A could see.

17. Other officers and I interviewed JOHNSON. At approximately 9:07 p.m., investigators placed JOHNSON in an interview room that was audio and video recorded. An officer provided JOHNSON with *Miranda* warnings from a pre-printed form, which he waived in writing. JOHNSON stated that he had never been to Orland Park before. He then explained, in summary, that he had just gotten into the car in

Chicago when officers stopped the car. Investigators asked why he took his jacket off, and he stated that it was hot in the car.

18. According to police reports and other law enforcement officers, a search of Victim A's stolen black Mercedes revealed a black handgun on the driver's side floorboard. The firearm was identified as a black Taurus PT111 G2A, 9mm pistol bearing serial number ABJ856904. The firearm was loaded with twenty-three cartridges of live ammunition and equipped with a high capacity magazine. A photograph of the gun on the floorboard of the stolen car is below:³



³ Officers also recovered a 9mm pistol from the car. According to the victim, the 9mm pistol belonged to the victim and had been in the car when it was stolen.

19. As set forth above, JOHNSON fired at least one shot while he was running from Officer 2, and Officer 2 observed JOHNSON with what appeared to be a firearm. That gun has not been recovered. Thus, I believe that JOHNSON had more than one gun during the carjacking.

20. According to police reports and other law enforcement officers, officers also recovered the following items in a later search of the area: (1) a .45 caliber casing, recovered on the 11200 south block of Laflin, and (2) the victim's wallet on the 11100 south block of Bishop. Both of those items were recovered in the path of JOHNSON's flight.


21. On February 13, 2021, investigators obtained a state warrant from the Circuit Court of Cook County authorizing a search of JOHNSON's cellular telephone. That warrant was executed by investigators from the Orland Park Police Department. A search of the phone revealed that, on February 12, 2021 at 5:21 p.m., the phone's user used Apple Maps to obtain directions from the intersection of Wheeler and Harlem Avenue, in Orland Park, Illinois, to an address on the 8900 south block of Morgan Street in Chicago. According to Google Maps, the intersection of Wheeler and Harlem Avenue is approximately two blocks away from where the victim's vehicle was stolen.

22. According to records of the U.S. District Court for the Northern District of Illinois, JOHNSON is currently on federal supervised release in case number 18 CR 867. Those records reflect that he was sentenced to a term of imprisonment of 14 months for unlawful possession of a firearm. According to BOP records, JOHNSON

was released on case number 18 CR 867 on April 9, 2020. According to the plea agreement in case number 18 CR 867, JOHNSON also has a 2017 conviction for aggravated unlawful use of a weapon.

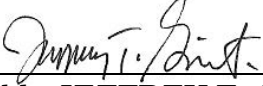
23. I queried the victim vehicle's VIN through a database provided by the National Highway Traffic Safety Administration. Records reflect that the car was manufactured by Mercedes-Benz of North America, Inc. at a plant located in Vance, Alabama. Therefore, the vehicle traveled in interstate commerce.

FURTHER AFFIANT SAYETH NOT.



DAVID R. LAMONTE
Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

SWORN TO AND AFFIRMED by telephone February 15, 2021.



Honorable JEFFREY T. GILBERT
United States Magistrate Judge