

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JAMES MASSEY,
also known as "Steve Nash"

CASE NUMBER:

UNDER SEAL 21CR142

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From on or about August 9, 2020 to on or about August 10, 2020, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|--|--|
| Title 18, United States Code, Section 2101(a)(1) | using a facility of interstate commerce with the intent to incite a riot |

This criminal complaint is based upon these facts:

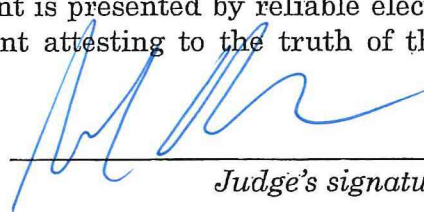
X Continued on the attached sheet.



NATHAN SCHERER
Special Agent, Federal Bureau of
Investigation (FBI)

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: March 1, 2021



Judge's signature

City and state: Chicago, Illinois

SUNIL R. HARJANI, U.S. Magistrate Judge
Printed name and title

FILED
MAR 01 2021
MAGISTRATE JUDGE
SUNIL R. HARJANI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, NATHAN SCHERER, being duly sworn, state as follows:

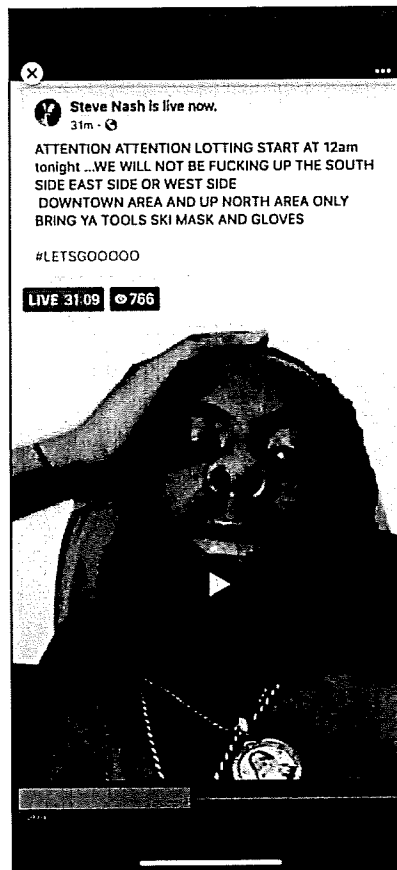
1. I am a Special Agent with the Federal Bureau of Investigation. I have been so employed since approximately October 2014. I am currently assigned to the Chicago Field Office, West Resident Agency, Squad CT-2. As part of my duties as an FBI Special Agent, I investigate criminal violations relating to domestic terrorism, including, but not limited to, Title 18, United States Code, Sections 249, 875, 922, 924, and 2101, and Title 26, United States Code, Section 5861. I have been involved with various electronic surveillance methods, the debriefing of subjects, informants, and witnesses, and the execution of search warrants.

2. This affidavit is submitted in support of a criminal complaint alleging that JAMES MASSEY, also known as "Steve Nash," violated Title 18, United States Code, Section 2101(a)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging MASSEY with using a facility of interstate commerce with the intent to incite a riot, in violation of Title 18, United States Code, Section 2101(a)(1), 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.

3. The facts set forth in this affidavit are based on the following: my personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; interviews of witnesses; my review of records related to this investigation; communications with others who have knowledge of the events and circumstances described herein; and information gained through my training and experience.

MASSEY'S FACEBOOK LIVE POST

4. On or about August 10, 2020, the Chicago Police Department ("CPD") received the below screenshot via email from a concerned individual:¹



¹ The Facebook username from the account that took the screenshot has been redacted from the photograph for privacy / safety reasons.

The text in the image states, "ATTENTION ATTENTION LOTTING [*sic*] START AT 12am tonight ...WE WILL NOT BE FUCKING UP THE SOUTH SIDE EAST SIDE OR WEST SIDE DOWNTOWN AREA AND UP NORTH AREA ONLY BRING YA TOOLS SKI MASK AND GLOVES#LETSGOOOOO."

5. Based on the content of the screenshot and my knowledge regarding Facebook, the Facebook Account with the name "Steve Nash" was sharing a video via Facebook Live at the time of the screenshot was taken. Facebook Live is a feature of Facebook that allows users to broadcast real-time video to other Facebook users. Live broadcasters can decide who on Facebook can see their videos. The user can then post the video to Facebook, save the video to the user's device, or delete the video. At the time of the screenshot, the video had been live for 31 minutes and 9 seconds, 766 Facebook users were observing the video, and anyone on Facebook could view the video. The individual who sent the screenshot to CPD only saw the screenshot, not the Facebook Live video.

6. Chicago Police Intelligence Center (CPIC) employees subsequently located the Facebook page associated with the screenshot—www.facebook.com/james.lamont.18041092 (the "Subject Account"). CPIC determined that the screenshot above was a picture of the Subject Account because the Facebook name and profile picture of the account featured in the screenshot matched the Facebook name and profile picture of the Subject Account. CPIC also compared photographs on the Subject Account with the individual in the screenshot and determined that it was the same individual.

7. According to CPD arrest records, JAMES MASSEY was arrested on three separate occasions, most recently in May 2019. I compared MASSEY's most recent arrest photographs, including tattoos, and MASSEY's driver's license picture with the individual depicted in the screenshot above and other photographs on the Subject Account. Based on these comparisons, I determined that MASSEY was the individual in the screenshot and a user of the Subject Account.

8. The URL (www.facebook.com/james.lamont.18041092) for the Subject Account contains the name "James Lamont." Based on CPD records, Lamont is MASSEY's middle name.

9. Based on records obtained from Facebook, the registered email address for the Subject Account is jaemassey1@gmail.com.

10. Based on records obtained from Facebook, MASSEY had approximately 4,941 Facebook friends as of October 28, 2020.

11. On or about November 25, 2020, law enforcement interviewed Individual B regarding MASSEY's Facebook Live video. Law enforcement showed Individual B a copy of the screenshot depicted above. Individual B stated that s/he was Facebook friends with the "Steve Nash" account, but did not know the true name of the individual. Individual B stated that s/he briefly watched the Facebook Live video depicted in the screenshot and that the individual in the video was calling for people to go to downtown Chicago to loot. Individual B did not recall when s/he saw the video, but knew that it was sometime before August 10, 2020. Individual B

believed that s/he saw the video before s/he later saw videos of other individuals looting downtown Chicago.

RIOTING ACTIVITY

12. Based on conversations with other law enforcement officers and reporting by various news sources, during the early morning hours of August 10, 2020, hundreds of individuals engaged in looting, damaged various retail stores, and fought with police in the downtown area and near north area of Chicago. Approximately two individuals were shot and 13 police officers were injured.² Law enforcement also recovered approximately five firearms.³ Over 25 individuals were arrested related to the events of that day.⁴

13. Based on a review of Facebook messages from the Subject Account,⁵ in addition to the Facebook Live video discussed above, on or about August 9, 2020, MASSEY sent private Facebook messages to approximately forty individuals directing them to meet at 6300 S. Racine Ave. in Chicago in order to go to downtown Chicago together. For example, MASSEY, using his Facebook account, which is under

² <https://www.nytimes.com/2020/08/10/us/shooting-chicago-looting.html> (last viewed August 20, 2020).

³ <https://www.washingtonpost.com/nation/2020/08/10/chicago-looters-riot-magnificent-mile/> (last viewed December 22, 2020).

⁴ <https://home.chicagopolice.org/category/looting-related-arrests/> (last viewed August 20, 2020).

⁵ On or about September 18, 2020, the government obtained a search warrant for the Subject Account.

the name "Steve Nash," had the following exchange with another Facebook user on August 9, 2020, at approximately 9:05 p.m.:⁶

Thread (942306439604368)

Current Participants [REDACTED] FB User A
Steve Nash (Facebook: 100040384311168)

Author [REDACTED] FB User A
Sent 2020-08-10 01:43:38 UTC
Body Where we at ?

Author Steve Nash (Facebook: 100040384311168)
Sent 2020-08-10 02:05:21 UTC
Body You can now call each other and see information like Active Status and when you've read messages.

Author Steve Nash (Facebook: 100040384311168)
Sent 2020-08-10 02:05:21 UTC
Body 6300 s racine

Author [REDACTED] FB User A
Sent 2020-08-10 02:07:05 UTC
Body Lmao boy the gas station ? There's nothing to really loot right there ☐☐

Author Steve Nash (Facebook: 100040384311168)
Sent 2020-08-10 02:07:16 UTC
Body We linking right thea

Author [REDACTED] FB User A
Sent 2020-08-10 02:07:27 UTC
Body Bettt 12 right

Author Steve Nash (Facebook: 100040384311168)
Sent 2020-08-10 02:07:32 UTC
Body Yessiirrr

14. On or about August 9, 2020, at approximately 7:54 p.m., MASSEY sent a Facebook message to a group of approximately 29 users that stated, "Bro im hitting phone store".

⁶ Some names in this affidavit have been redacted in order to protect the identities of the individuals and companies involved.

15. At approximately 8:15 p.m., MASSEY told the same group, “Aye share my live”. Based on the investigation to date, I believe that MASSEY was referring to the Facebook Live video discussed above.

16. At approximately 9:13 p.m., MASSEY messaged the same group, “WE LIE TOGETHER WE DIE TOGETHER”.

17. At approximately 11:27 p.m., MASSEY posted a picture on Facebook with the caption, “Lets get ready to steal bitch [emoji]”. In the photograph, MASSEY was wearing blue pants and brown boots, which, as discussed below, can be seen in surveillance footage from various locations during the evening. Facebook subsequently removed the post for violating its “community standards.” Facebook directly messaged MASSEY and told him the reason that Facebook removed the post.

18. On or about August 9, 2020, at approximately 11:30 p.m., MASSEY posted a Facebook Live video of himself driving a Nissan sedan. During the approximately five-minute long video, MASSEY stated, “I finna link up with everybody. I driving Jason right now, y’all. I driving my brother right now. Y’all ready? I sent everybody the location to link up at bro. I tryin to get something. I need to hit a couple stores.”⁷

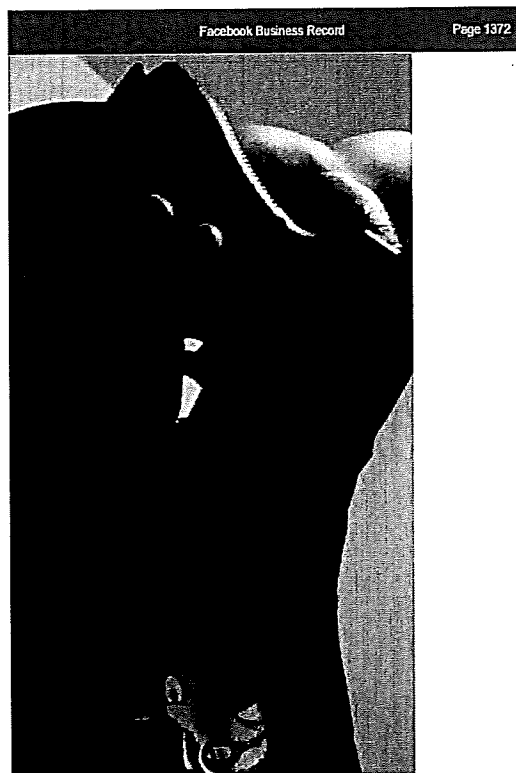
19. At approximately 11:43 p.m., MASSEY posted another Facebook Live video of himself driving a Nissan sedan. During the approximately ten-minute long

⁷ Some of the content of the videos referenced herein has been summarized. I based the language quoted from the videos referenced throughout this Affidavit on a preliminary review of the videos and not on final transcripts. The summaries of the videos do not include all statements made or topics covered during the course of the recordings.

video, MASSEY stated, “Fittin to go fuck them up. I ain’t missin out. I am ready to steal.”

20. Based on Illinois Department of Transportation records, a black Nissan bearing Illinois license plate number BK59862 is registered to MASSEY.

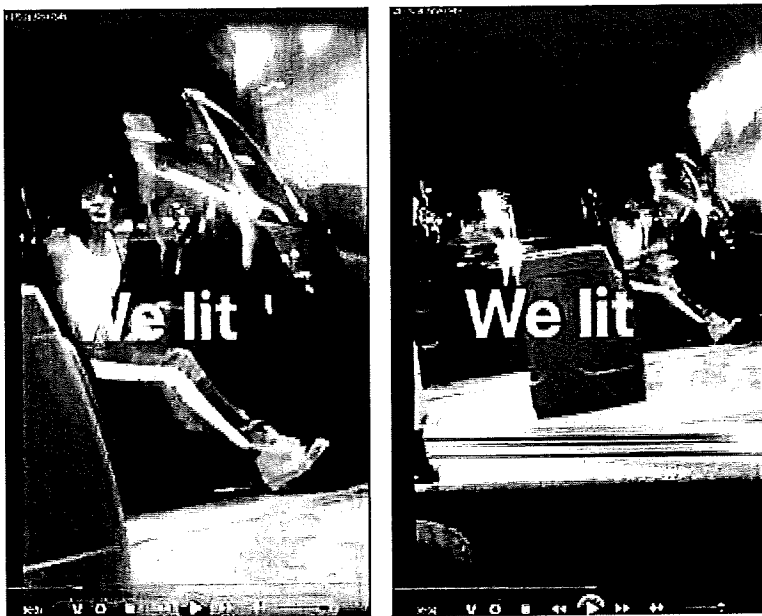
21. At approximately 11:45 p.m., Facebook user “D’amonte Mo” wrote to the same group of approximately 29 users, “We got pipes [guns]⁸ for them”. FB User B responded, “We finna be deep asl [as hell]. Mfs betta play it safe”. D’amonte Mo then sent a picture of what appears to be a Glock handgun:



⁸ At various points in this affidavit, I have included in brackets my interpretation of words and phrases used during the recordings or in various messages. I based my interpretations on the content and context of the conversations, events occurring before or after the conversations, my knowledge of the investigation as a whole, my training and experience, and the training and experience of other law enforcement officers involved in this investigation.

22. On or about August 10, 2020, at approximately 12:09 and 12:10 a.m., MASSEY's brother (hereinafter "INDIVIDUAL A"), Facebook user "Jae Mulaa,"⁹ wrote two messages to the same group of approximately 29 individuals discussed above, "Come to Michigan bro getting gas" and "We at the Bp [gas station]."

23. At approximately 12:19 a.m., another Facebook user "Boa BigFolks" wrote, "We behind y'all" to the same group. At approximately 12:20 a.m., "Boa BigFolks" then sent a video of MASSEY at the gas station. Law enforcement identified the individual in the blue pants as MASSEY.¹⁰



⁹ Based on a review of a CPD report, INDIVIDUAL A is MASSEY's brother. Furthermore, law enforcement officers compared arrest photographs of INDIVIDUAL A to the individual captured in MASSEY's Facebook videos as well as to the Facebook account, "Jae Mulaa." The arrest photographs, Facebook account photographs, and the individual in the Facebook Live video appear to be the same individual, INDIVIDUAL A.

¹⁰ As discussed above, law enforcement identified the individual in the blue pants in the following videos as MASSEY based on a comparison between arrest photographs and MASSEY's driver's license.

24. At approximately 12:38 a.m., INDIVIDUAL A wrote to the same group of approximately 29 users, "We like 13 cars deep".

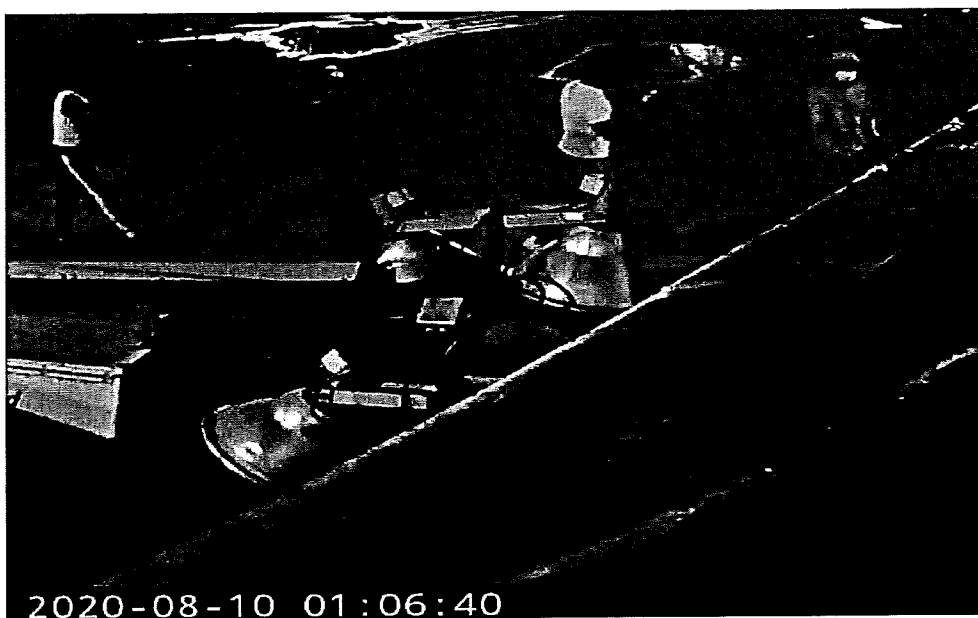
25. At approximately 12:46 a.m., Facebook user "Guwop Angelo" wrote to the group, "Aye let's hit the gun store or weed dispensary".

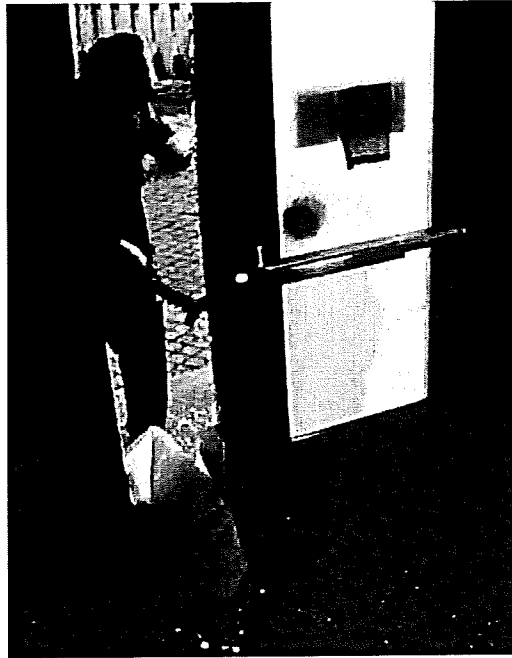
26. At approximately 12:52 a.m., INDIVIDUAL A responded, "WE AT THE WEED DISPENSARY".

27. According to CPD records, Store A, a marijuana dispensary located at 923 W. Weed Street in Chicago, was burglarized and looted on August 10, 2020, at approximately 1:00 a.m. A review of surveillance camera footage at the dispensary showed MASSEY and approximately 12 other individuals arrive in the parking lot, exit their three vehicles, and retrieve tools from the trunk of MASSEY's vehicle. Several individuals then broke into the store by smashing a window with the tools. INDIVIDUAL A initiated the break in by attempting to throw a brick at what appeared to be a window of the dispensary. Another individual who appeared to be with MASSEY and INDIVIDUAL A eventually broke a different window using a car tire jack. Yet another individual then used a hammer to clear away broken glass from the frame of the window. The offenders then entered the building and carried numerous boxes out of the business. Based on my training and experience, it appeared that MASSEY was acting as a lookout while the individuals entered the store.

28. According to a police report, the security manager for the dispensary stated that the individuals caused property damage throughout the store and stole laptops, computers, and merchandise.

29. Below are several images from surveillance videos of the dispensary. The first depicts MASSEY in the blue pants. The second image is of INDIVIDUAL A throwing the brick. The third image is of the individual who used the hammer.

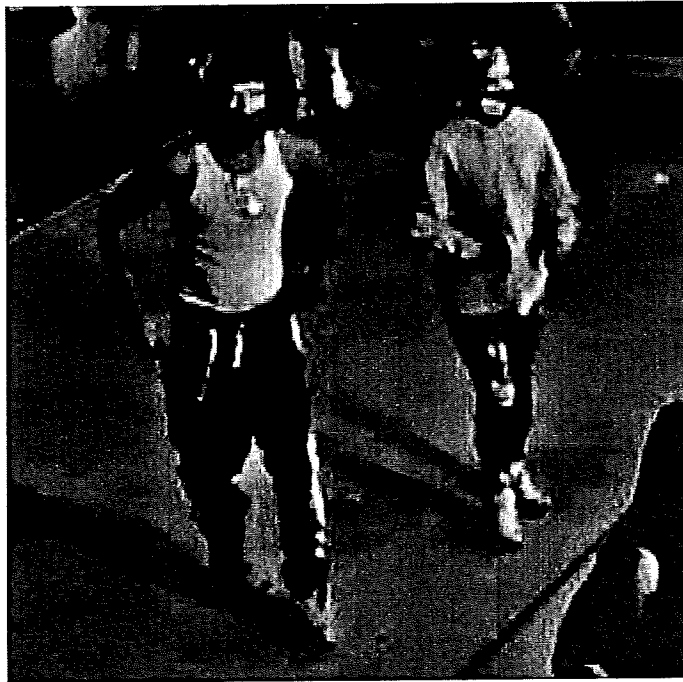




30. According to CPD records, Store B located at 800 North Michigan Avenue was looted at approximately 1:25 a.m. on August 10, 2020. Based on surveillance footage, MASSEY approached Store B with a tire iron in hand while another unidentified individual was breaking a window to the store. MASSEY and several other individuals who MASSEY arrived with entered the store, stole numerous coats, and returned to MASSEY's vehicle outside the business.

31. At approximately 1:46 a.m., INDIVIDUAL A wrote in the group Facebook chat, "We just hit the [partial name for Store B]".

32. Below are screenshots of the surveillance camera footage of MASSEY, INDIVIDUAL A, and others at Store B. MASSEY is the individual in the blue pants:





33. According to CPD pod camera footage, MASSEY's black Nissan sedan was located at 142 North Clark Street at approximately 5:01 a.m. Minutes later, at approximately 5:06 a.m., MASSEY, INDIVIDUAL A, and others looted Store C located at 730 S. Clark Street. Camera footage from Store C showed MASSEY taking three bottles of clear liquor and carrying them outside of the store.

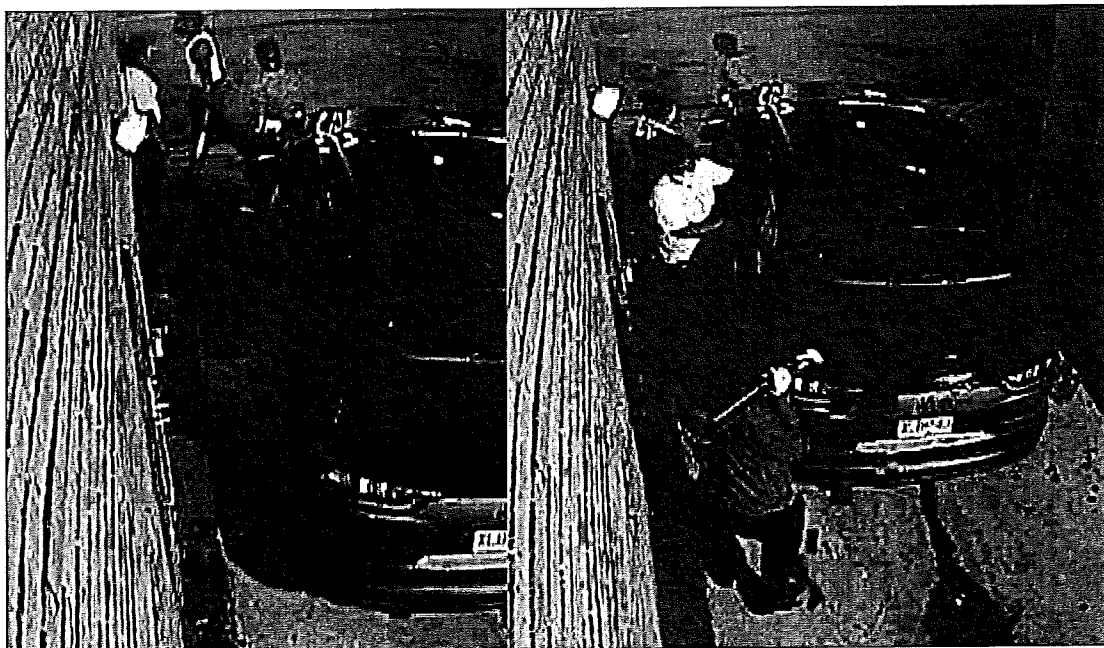
34. According to a police report, the owner of Store C stated that individuals broke the windows of the store in order to gain entry. The owner also stated that the offenders broke the counter and displays in the store.

35. Below are screenshots of surveillance camera footage from Store C. As seen in the images below, the store was heavily damaged during the course of the theft. MASSEY is the individual wearing the blue pants:



36. According to CPD pod camera footage, MASSEY's vehicle was located at 304 W. Randolph Street on August 10, 2020, at approximately 5:39 a.m. At approximately 5:44 a.m., MASSEY, INDIVIDUAL A, and others looted Store D, a cellular phone store located at 301 W. Washington Street, approximately a block away from where MASSEY's vehicle was observed. According to a police report, the offenders broke the side door of Store D to gain entrance to the store.

37. Below are screenshots of the internal and external surveillance camera footage at Store D. In the second image below, an unidentified individual can be seen at the rear of the blue vehicle holding a large tool. MASSEY is the individual wearing the blue pants in the images below:



CONCEALMENT OF CRIMINAL ACTIVITY

38. Based on a review of MASSEY's Facebook messages, a Facebook user contacted MASSEY on or about August 10, 2020, at approximately 5:10 p.m., and told him that a screenshot of MASSEY's Facebook Live video was being circulated on social media. MASSEY responded, "Lmaoo [Laugh my ass off] idc [I don't care]...Fuck dem....Freedom of speech".

39. On or about August 11, 2020, at approximately 10:03 a.m., FB User 3 messaged a group of approximately 38 Facebook users and stated, "My brother @Steve Nash made the news." MASSEY responded, "Y'all police stop saying ts [that shit]....in here.....delete ts [that shit]". Based on my training and experience, MASSEY was telling the other Facebook users in the group to delete their messages in order to avoid detection by law enforcement. FB User 3 responded, "Be proud of yo self". MASSEY responded, "But im off da book for a while". Based on my training and experience, MASSEY was saying that he planned to stay off Facebook to avoid detection by law enforcement.

STATUTORY DEFINITIONS

40. Title 18, United States Code, Section 2102(a) defines a riot as

a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and

present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

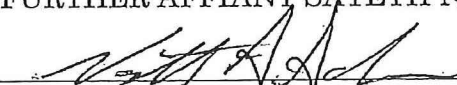
41. Title 18, United States Code, Section 2102(b) states that the term "to incite a riot" includes, but is not limited to,

urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

CONCLUSION

42. Based on the information above, Affiant submits that there is probable cause that JAMES MASSEY used a facility of interstate commerce with the intent to incite or organize a riot, in violation of Title 18, United States Code, Section 2101(a)(1).

FURTHER AFFIANT SAYETH NOT.



NATHAN SCHERER
Special Agent, Federal Bureau of
Investigation

SWORN TO AND AFFIRMED by telephone on March 1, 2021



Honorable SUNIL R. HARJANI
United States Magistrate Judge