

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 15A50935
Court File No. 27-CR-15-33508

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

DANIEL THOMAS MACEY DOB: 03/18/1989

920 MAIN ST S
#15
PINE CITY, MN 55063

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Riot-2nd Degree-Armed w/Dangerous Weapon

Minnesota Statute: 609.71.2, with reference to: 609.71.2, 609.11.5(a), 609.05.1, 609.05.2

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 11/23/2015

Control #(ICR#): 15432549

Charge Description: That on or about 11/23/2015, in Hennepin County, Minnesota, DANIEL THOMAS MACEY assembled with two or more other persons, disturbed the public peace by intentionally acting and/or threatening to act with unlawful force or violence to Victims 1, 2, 3, 4 and 5, and DANIEL THOMAS MACEY was armed with a firearm and/or knew other participants were armed with firearms.

Minimum Sentence: 3 YEARS

STATEMENT OF PROBABLE CAUSE

On November 23, 2015, Black Lives Matter (BLM) was engaged in a protest in front of the Minneapolis Police Department's 4th Precinct on Plymouth Avenue in Minneapolis, Hennepin County, Minnesota. BLM and its supporters were protesting the police officer involved shooting death of Jamar Clark, an African American man shot by a white police officer. The protest had been ongoing for more than a week and had garnered much media attention.

At 10:40 p.m. Minneapolis Police ShotSpotter registered 8 shots fired near the 4th Precinct. Officers immediately responded and determined that five men had been shot and 8 discharged cartridge casings were recovered within two blocks of the 4th Precinct. The shooting victims were all African American men and were all treated at local hospitals for gunshot wounds. Victim 1, 19 years old, was shot in the lower abdomen. Victim 2, 43 years old, was shot in the left knee. Victim 3, 24 years old, was shot in the thigh and foot. Victim 4, 38 years old, was shot in the forearm and Victim 5, 29 years old, was shot in the leg and back.

Investigators learned that at least one possible suspect in these shootings verbally sparred with protesters at the BLM protest on another occasion. Surveillance video from outside the 4th Precinct captured Allen Lawrence Scarsella, Defendant herein, and J.S., a known acquaintance of Scarsella, on the evening of November 19, 2015, wearing camouflage clothing and face masks. J.S. told investigators that he and Scarsella went there to film the protesters. He said they made inappropriate comments to protesters which sparked anger between BLM and his group and led to angry internet posts on Reddit and 4Chan.

Investigators have viewed a 4Chan website e-mail string where participants discussed going to the BLM protests to "stir things up" and "cause commotion." Participants were encouraged to dress normal and look like the protesters but were told to "feel free to carry." Investigators also viewed a video made by J.S. and Scarsella on their way to the protest on November 19th. They refer to African Americans in derogatory terms, say they are going to do some "reverse cultural enriching" and "make the fire rise". Scarsella says they are on a "search and recovery mission" and J.S. displays a handgun and ends the video with the words "stay white."

J.S. said he was aware that Scarsella and others he referred to as Nate, Daniel and Joe were going to the protest on the evening of November 23rd to livestream the crowd reaction to their presence. He knew that they would be armed. J.S. decided not to go with them because he felt it would be too dangerous. However, he was in contact with Scarsella both before and after the shooting. Scarsella called him afterwards and told him that he had just shot five people.

During the early hours of November 24, 2015, investigators learned that a police officer from a police agency outside the Twin Cities was personally acquainted with Scarsella. This officer received a phone call from Scarsella on November 24, 2015 around 1:00 a.m. Scarsella told him he had just shot 5 people. The officer encouraged Scarsella to turn himself in and to also turn his guns over to police. The officer was aware that Scarsella owned and carried guns and that he had very intense opinions, which the officer described as being a sovereign citizen and pro-Constitution. He knew that Scarsella had negative experiences with and opinions about African Americans. About twenty minutes later Scarsella texted him and told him he was waiting for his friends to get there and they would decide what to do.

Investigators determined that Scarsella resided at a location in Bloomington, MN. He was arrested there on November 24, 2015. An adult female, A.M. was also at his residence. Numerous guns and ammunition were recovered, including a 45 caliber handgun which is consistent with the type of discharged cartridge casings found at the shooting scene. Officers viewed the contents of Scarsella's cell phone. The phone has

a location option which revealed that Scarsella was at the 4th Precinct on November 19 and 23, 2015. It also confirmed his connection with J.S and with Joseph Martin Backman, Defendant herein, as he was at both of their residences in November, 2015. There were numerous texts between Scarsella, Backman and Nathan Wayne Gustavsson, Defendant herein, setting up plans for going back to the protests on November 23, 2015. Gustavsson texts "If this shits going down on Monday we need to get out there I could rile up so much shit up." Gustavsson also texts "I know how to make big news or get them to disperse" and "I have an idea to really stir shit up." Scarsella and Gustavsson discuss who will be doing the live streaming and plan to meet at J.S.'s house. Scarsella also arranges for Backman to pick him up as Backman will also be going along.

Scarsella's cell phone contained many photos of himself with guns, including the 45 caliber handgun and an M1 rifle as well as some racist images. Additionally, police found photos taken at a gathering of men at a rural area of Pine County Minnesota. The men are wearing camouflage clothing and holding guns. Several flags including a confederate flag are visible. Scarsella and Daniel Thomas Macey, Defendant herein, are in the photos.

A.M. told police that Scarsella is her boyfriend but they do not live together. He texted her on November 23, 2015, at around 9:20 p.m., and told her he was going out with friends. He called and woke her up at 1:30 a.m. the next morning and was panicking. He said he had been at the BLM protest and he shot 5 people. He told her to come to his residence and take his guns and ammunition away. When she got there three other men were present. She recognized Backman. She identified one of the others as Gustavsson and told police she knows he carries guns. The other man was a short Asian male who lives in Pine City, Minnesota. Macey is an Asian male and lives in Pine City. A.M. said the four men were panicking about the shooting and trying to decide what to do. Several of them were talking on the phone with lawyers. The other three men left before the police arrived.

On November 25, 2015, police executed a search warrant on the residence of Backman. Investigators spoke to C.B., an adult woman who was present. C.B. told police that she was aware that Scarsella and J.S went to the BLM protest on November 19, 2015. Backman stayed home that night and set up a live stream while Scarsella and J.S. filmed the protesters. She knew they were accused of being white supremacists and KKK and made Backman promise that he would not go to the BLM protest. On November 23, 2015, Backman told her he was going out with Scarsella and did not know when he would be back. He returned and woke her up at around 1:30 the next morning. He told her he went to the protests with Scarsella, Nate and Dan. They got into an altercation with some of the protesters and 8 shots were fired. Afterwards they all went to J.S's house and then to Scarsella's house. She said that Backman does carry a gun but that he denied unholstering his gun that night.

Review of the Precinct surveillance video as well as video from private citizens confirms that there were four suspects interacting with the protesters immediately prior to the shooting. The shooting was not captured on video. Investigators were able to identify Gustavsson as his mask slips off. He is carrying an orange boxy type case. One of the men is shorter than the others and appears to be Macey.

Defendants Scarsella, Gustavsson, Backman and Macey are all in custody. All four have admitted in jail phone conversations that they were present at the shooting incident.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Kelly O'Rourke
Police Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 5375

Electronically Signed:
11/30/2015 10:48 AM
Hennepin County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Judith Hawley
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
11/30/2015 10:46 AM

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on _____, _____ at _____ AM/PM before the above-named court at 401 Fourth Avenue S, Minneapolis, MN 55415 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Execute in MN Only

Execute Nationwide

Execute in Border States

ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$250,000.00

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: November 30, 2015.

Judicial Officer

Amy Dawson
Judge

Electronically Signed: 11/30/2015 11:12 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

DANIEL THOMAS MACEY

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Order of
Detention upon the Defendant herein named.*

Signature of Authorized Service Agent: