

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH DAVID PILON

Defendant.

1:22-cr-20227

Judge: Ludington, Thomas L.

MJ: Morris, Patricia T.

Filed: 04-26-2022

INFORMATION

COUNT ONE
FEDERALLY PROTECTED ACTIVITIES
(18 U.S.C. § 245(b)(5))

On or about June 14, 2020, in the Eastern District of Michigan, the defendant, KENNETH DAVID PILON, by threat of force, willfully injured, intimidated, and interfered with, and attempted to injure, intimidate, and interfere with, citizens, because they had been and in order to intimidate them and any other citizen from, lawfully aiding and encouraging other persons to participate, without discrimination on account of race and color, in the enjoyment of a service provided and administered by any State or subdivision thereof, and participating lawfully in speech and peaceful assembly opposing any denial of the opportunity to so participate.

Specifically, PILON intimidated and attempted to intimidate citizens from participating lawfully in speech and peaceful assembly opposing the denial of Black people's right to enjoy police protection and services free from brutality, by making the following communications:

1. At or about 4:39 p.m. on June 14, 2020, KENNETH DAVID PILON used a cell phone to call Starbucks Store No. 14436 in Saginaw, Michigan. PILON told Starbucks employee F.M., "Tell all the Starbucks workers wearing BLM shirts that the only good n***er is a dead n***er."
2. At or about 4:45 p.m. on June 14, 2020, KENNETH DAVID PILON used a cell phone to call Starbucks Store No. 51497 in Saginaw, Michigan. PILON told Starbucks employee H.L., "Tell your employees that a good n***er is a dead n***er."
3. At or about 4:46 p.m. on June 14, 2020, KENNETH DAVID PILON used a cell phone to call Starbucks Store No. 23156 in Bay City, Michigan. PILON told Starbucks employee E.F. that he did not like Black Lives Matter shirts and that "the only good n***er is a dead n***er." PILON stated to E.F., "I'm gonna go out and lynch me a n***er."
4. At or about 4:49 p.m. on June 14, 2020, KENNETH DAVID PILON used a cell phone to call Starbucks Store No. 2740 in Birch Run, Michigan.

PILON told Starbucks employee J.W., “I want those that work for Starbucks to know that the only good n***er is a dead n***er.”

5. At or about 4:59 p.m. on June 14, 2020, KENNETH DAVID PILON used a cell phone to call Starbucks Store No. 9650 in Flint, Michigan. PILON told Starbucks employee N.C., “Tell your employees wearing Black Lives Matter T-shirts that the only good n***er is a dead n***er.”
6. At or about 5:09 p.m. on June 14, 2020, KENNETH DAVID PILON used a cell phone to call Starbucks Store No. 9435 in Allen Park, Michigan. PILON told Starbucks employee E.W., “Tell all the employees wearing BLM shirts that the only good n***er is a dead one.”
7. At or about 5:22 p.m. on June 14, 2020, KENNETH DAVID PILON used a cell phone to call Starbucks Store No. 11966 in Ann Arbor, Michigan. PILON referenced BLM shirts and stated, “Tell your employees that the only good n***er is a dead n***er.”
8. At or about 5:31 p.m. on June 14, 2020, KENNETH DAVID PILON used a cell phone to call Starbucks Store No. 11879 in Oak Park, Michigan. PILON told Starbucks employee M.S., “Tell the employees working there wearing the Black Lives Matter shirts—especially the white people—that the only good n***er is a dead n***er.”

9. At or about 5:42 p.m. on June 14, 2020, KENNETH DAVID PILON used a cell phone to call Starbucks Store No. 2342 in Ann Arbor, Michigan. PILON told Starbucks employee M.N., “Tell any of the baristas that are wearing a Black Lives Matter shirt that the only good n***er is a dead n***er.”

PILON made these communications for the purpose of issuing a threat and with knowledge that the communications would be viewed as a threat

All in violation of Title 18, United States Code, Section 245.

COUNT TWO
FEDERALLY PROTECTED ACTIVITIES
(18 U.S.C. § 245(b)(5))

On or about June 22, 2020, in the Eastern District of Michigan, the defendant, KENNETH DAVID PILON, by threat of force, willfully injured, intimidated, and interfered with, and attempted to injure, intimidate, and interfere with, citizens, because they had been and in order to intimidate them and any other citizen from, lawfully aiding and encouraging other persons to participate, without discrimination on account of race and color, in the enjoyment of a service provided and administered by any State or subdivision thereof, and participating lawfully in speech and peaceful assembly opposing any denial of the opportunity to so participate.

Specifically, PILON intimidated and attempted to intimidate citizens from participating lawfully in speech and peaceful assembly opposing the denial of Black people's right to enjoy police protection and services free from brutality. PILON left a noose with a handwritten note attached to it reading, "An accessory to be worn with your 'BLM' t-shirt. Happy Protesting!," in a Goodwill parking lot in Saginaw, Michigan. PILON left the noose-with-note for the purpose of issuing a threat and with knowledge that the noose-with-note would be viewed as a threat.

All in violation of Title 18, United States Code, Section 245.

COUNT THREE
FEDERALLY PROTECTED ACTIVITIES
(18 U.S.C. § 245(b)(5))

On or about July 4, 2020, in the Eastern District of Michigan, the defendant, KENNETH DAVID PILON, by threat of force, willfully injured, intimidated, and interfered with, and attempted to injure, intimidate, and interfere with, citizens, because they had been and in order to intimidate them and any other citizen from, lawfully aiding and encouraging other persons to participate, without discrimination on account of race and color, in the enjoyment of a service provided and administered by any State or subdivision thereof, and participating lawfully in speech and peaceful assembly opposing any denial of the opportunity to so participate.

Specifically, PILON intimidated and attempted to intimidate citizens from participating lawfully in speech and peaceful assembly opposing the denial of Black people's right to enjoy police protection and services free from brutality. PILON left a noose with a handwritten note attached to it reading, "An accessory to be worn with your 'BLM' t-shirt. Happy Protesting!," in a beverage cooler inside a 7-Eleven store in Saginaw, Michigan. PILON left the noose-with-note for the purpose of issuing a threat and with knowledge that the noose-with-note would be viewed as a threat.

All in violation of Title 18, United States Code, Section 245.

COUNT FOUR
FEDERALLY PROTECTED ACTIVITIES
(18 U.S.C. § 245(b)(5))

On or about July 12, 2020, in the Eastern District of Michigan, the defendant, KENNETH DAVID PILON, by threat of force, willfully injured, intimidated, and interfered with, and attempted to injure, intimidate, and interfere with, citizens, because they had been and in order to intimidate them and any other citizen from, lawfully aiding and encouraging other persons to participate, without discrimination on account of race and color, in the enjoyment of a service provided and administered by any State or subdivision thereof, and participating lawfully in speech and peaceful assembly opposing any denial of the opportunity to so participate.

Specifically, PILON intimidated and attempted to intimidate citizens from participating lawfully in speech and peaceful assembly opposing the denial of Black people's right to enjoy police protection and services free from brutality. PILON caused a noose with a handwritten note attached to it reading, "An accessory to be worn with your 'BLM' t-shirt. Happy Protesting!," to be placed inside a vehicle owned by R.S. and D.S. PILON left the noose-with-note for the purpose of issuing a threat and with knowledge that the noose-with-note would be viewed as a threat.

All in violation of Title 18, United States Code, Section 245.

COUNT FIVE
FEDERALLY PROTECTED ACTIVITIES
(18 U.S.C. § 245(b)(5))

On or about July 17, 2020, in the Eastern District of Michigan, the defendant, KENNETH DAVID PILON, by threat of force, willfully injured, intimidated, and interfered with, and attempted to injure, intimidate, and interfere with, citizens, because they had been and in order to intimidate them and any other citizen from, lawfully aiding and encouraging other persons to participate, without discrimination on account of race and color, in the enjoyment of a service provided and administered by any State or subdivision thereof, and participating lawfully in speech and peaceful assembly opposing any denial of the opportunity to so participate.

Specifically, PILON intimidated and attempted to intimidate citizens from participating lawfully in speech and peaceful assembly opposing the denial of Black people's right to enjoy police protection and services free from brutality. PILON left a noose with a handwritten note attached to it reading, "An accessory to be worn with your 'BLM' t-shirt. Happy Protesting!," in a Walmart parking lot in Saginaw, Michigan. PILON left the noose-with-note for the purpose of issuing a threat and with knowledge that the noose-with-note would be viewed as a threat.

All in violation of Title 18, United States Code, Section 245.

COUNT SIX
FEDERALLY PROTECTED ACTIVITIES
(18 U.S.C. § 245(b)(5))

On or about July 17, 2020, in the Eastern District of Michigan, the defendant, KENNETH DAVID PILON, by threat of force, willfully injured, intimidated, and interfered with, and attempted to injure, intimidate, and interfere with, citizens, because they had been and in order to intimidate them and any other citizen from, lawfully aiding and encouraging other persons to participate, without discrimination on account of race and color, in the enjoyment of a service provided and administered by any State or subdivision thereof, and participating lawfully in speech and peaceful assembly opposing any denial of the opportunity to so participate.

Specifically, PILON intimidated and attempted to intimidate citizens from participating lawfully in speech and peaceful assembly opposing the denial of Black people's right to enjoy police protection and services free from brutality. PILON left a noose with a handwritten note attached to it reading, "An accessory to be worn with your 'BLM' t-shirt. Happy Protesting!," in a Kroger parking lot in Saginaw, Michigan. PILON left the noose-with-note for the purpose of issuing a threat and with knowledge that the noose-with-note would be viewed as a threat.

All in violation of Title 18, United States Code, Section 245.

DATED: April 26, 2022



TIMOTHY TURKELSON
Assistant United States Attorney
600 Church Street
Flint, Michigan 48502-1280

DAWN N. ISON
United States Attorney



ANTHONY P. VANCE
Assistant United States Attorney
Chief, Branch Offices

TARA ALLISON
Trial Attorney
Civil Rights Division

**AFFIDAVIT IN SUPPORT OF INFORMATION
FOR KENNETH DAVID PILON**

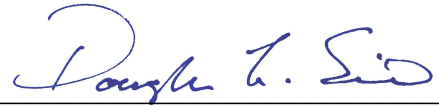
I, Douglas Smith, being duly sworn, depose and state:

1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”) assigned to the Bay City Resident Agency. I have been a Special Agent in this office since January 2010. I am currently assigned to investigate criminal violations, including those related to federally protected activities. The following is based on my personal observations, information obtained from other agents and witnesses, surveillance footage, and phone records.
2. The information included in this affidavit is provided for the limited purpose of establishing probable cause that Kenneth David Pilon committed the offenses of six counts of interfering with federally protected activities on or about June 14, June 22, July 4, July 12, and twice on July 17, 2020, in violation of 18 U.S.C. § 245(b)(5), and therefore it does not contain all of the facts known to me. Unless otherwise noted, wherever in this affidavit I assert that an individual made a statement, that statement is described in substance herein and is not intended to be a verbatim recitation of such statement.
3. On or about June 14, 2020, Kenneth David Pilon used a cell phone to call nine different Starbucks store locations in Michigan. Pilon told the employees answering his calls to tell Starbucks employees wearing Black Lives Matter

(“BLM”) T-shirts that “the only good n***er is a dead n***er.” Pilon told one employee, E.F., “I’m gonna go out and lynch me a n***er.”

4. On or about June 22, 2020, Kenneth David Pilon left a noose with a handwritten note attached to it reading, “An accessory to be worn with your ‘BLM’ t-shirt. Happy Protesting!”, in a Goodwill parking lot in Saginaw, Michigan.
5. On or about July 4, 2020, Kenneth David Pilon left a noose with a handwritten note attached to it reading, “An accessory to be worn with your ‘BLM’ t-shirt. Happy Protesting!”, in a beverage cooler inside a 7-Eleven store in Saginaw, Michigan.
6. On or about July 12, 2020, Kenneth David Pilon left a noose with a handwritten note attached to it reading, “An accessory to be worn with your ‘BLM’ t-shirt. Happy Protesting!”, inside a vehicle owned by R.S. and D.S.
7. On or about July 17, 2020, Kenneth David Pilon left a noose with a handwritten note attached to it reading, “An accessory to be worn with your ‘BLM’ t-shirt. Happy Protesting!”, in a Walmart parking lot in Saginaw, Michigan.
8. On or about July 17, 2020, Kenneth David Pilon left a noose with a handwritten note attached to it reading, “An accessory to be worn with your ‘BLM’ t-shirt. Happy Protesting!”, in a Kroger parking lot in Saginaw, Michigan.

9. Based on the above-described information, there is probable cause to believe that on or about June 14, June 22, July 4, July 12, and twice on July 17, 2020, Kenneth David Pilon interfered with federally protected rights in violation of 18 U.S.C. § 245(b)(5).



Douglas Smith
Special Agent, FBI

Subscribed and sworn to before me and signed in my presence and/or by reliable electronic means this 26th day of April 2022.



Hon. Patricia T. Morris
United States Magistrate Judge

Companion Case information MUST be completed by AUSA and initialed.United States District Court
Eastern District of Michigan**Criminal Case Cover Sheet****Case Number**

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information

Companion Case Number:

This may be a companion case based upon LCrR 57.10 (b)(4)¹:

Judge Assigned:

☐ Yes☒ No

AUSA's Initials: TT

Case Title: USA v. Kenneth David Pilon**County where offense occurred :** Saginaw**Check One:**☐ **Felony**☒ **Misdemeanor**☐ **Petty** Indictment/ X Information --- **no** prior complaint. Indictment/ Information --- based upon prior complaint [Case number:] Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].**Superseding Case Information****Superseding to Case No:** **Judge:**

- ☐ Original case was terminated; no additional charges or defendants.
- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name**Charges****Prior Complaint (if applicable)****Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**April 26, 2022

Date

s/TIMOTHY TURKELSON

Timothy Turkelson
 Assistant United States Attorney
 210 Federal Building
 600 Church Street
 Flint, Michigan 48502
 Telephone: (810) 766-5177
 Email: Timothy.Turkelson@usdoj.gov
 P53748

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.