AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America v. Earl Albert Moore *Defendant*	)))))	Case No. 11-MJ-1062-MJW

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 04/20/2011 in the county of Jefferson in the State and District of Colorado, the defendant violated 18 U. S. C. § 844(i), an offense described as follows:

See Attachment A attached hereto and herein incorporated by reference

This criminal complaint is based on these facts:

See Affidavit attached hereto and herein incorporated by reference

☑ Continued on the attached sheet.

Larry Kreger Jr.
Complainant's signature

Larry Kreger Jr. / FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: April 24, 2011 At 1:18 Am

Michael J. Watanabe
Judge's signature

City and state: Littleton, Colorado

MICHAEL J. WATANABE
U.S. MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT

1. I, Larry Kreger, Jr., Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), Department of Justice, being duly sworn, hereby state:

2. Your Affiant is an FBI Special Agent assigned to the Joint Terrorism Task Force ("JTTF"). Your Affiant has been employed as an FBI Special Agent since February 3, 2008, and is a graduate of the FBI Academy in Quantico, Virginia. Your Affiant investigates violations of federal law associated with terrorism related offenses, including arson and explosives crimes, firearms offenses, and violations involving arson of property involved in interstate and foreign commerce. Your Affiant is authorized to carry firearms, execute warrants, make arrests for offenses against the United States, and to perform other duties as authorized by law.

3. This affidavit is made in support of a criminal complaint against Earl Albert Moore year of birth 1946, for violation of Title 18, United States Code Section 844(i): Arson of Building or Other Property in Interstate Commerce. The statements set forth in this affidavit are based upon my training and experience, consultation with other experienced investigators and agents, and investigative reports and other documents. This affidavit is intended to set forth probable cause in support of the criminal complaint and does not purport to set forth all of my knowledge regarding this investigation.

4. On April 20, 2011, at approximately 11:52 a.m., the Jefferson County Sheriff's Office ("JCSO") and the West Metro Fire Department ("WMFD") were dispatched to a fire in a corridor at Southwest Plaza Mall, 8501 W. Bowles Avenue, County of Jefferson, State of Colorado. When fire personnel arrived, they were advised that the fire -- which was extinguished – had been in a corridor used as an employee entrance and for store deliveries. The corridor is located to the west of the south facing food court entrance.

5. An employee at Al's Formal Wear, whose store's rear entrance is located in the corridor, told investigators he smelled smoke coming from the rear door. The employee looked in the corridor and saw flames coming from what he believed to be a small propane tank. The employee returned to the store and called Southwest Plaza Security. A security officer responded. When he got to the corridor, the security officer saw flames coming from what he believed to be two propane tanks that were side by side.

6. Members of the West Metro Fire Department entered the corridor and saw two small "Coleman" style propane tanks. Fire department personnel evacuated the corridor and assisted mall security and sheriff's deputies with evacuating the mall.

7. At about 12:44 p.m., Jefferson County Sheriff's Investigator Donald Roach, who is a trained fire/arson investigator, arrived at Southwest Plaza Mall. Roach and other investigators began to examine the scene.

8. Investigators observed that the entrance to the corridor did not appear to be a normal public entrance; however, mall employees explained that this entrance door is kept unlocked during normal business hours. From the entry door, there is a set of stairs to the left and the corridor extends into the mall to the right. Along the right side of the wall leading to the mall are several electrical meters and equipment above a small ledge. Placed on the ledge in between the last two sets of meters and electrical boxes were what appeared to be two one pound Coleman style propane tanks duct taped together. There was burnt debris along the sides and bottom of the propane tanks as well as debris on the floor. There was fire damage to the wall and electrical boxes. Additionally, one of the meters was melted.

9. In examining the debris on the floor, investigators observed the packaging of a box of wooden matches within the debris. There was one partially burnt wooden match on the floor near the match box along with several burnt matchsticks found in the debris along the side of the propane tank on the right side. While investigators were examining the evidence, they discovered a galvanized steel pipe with caps on both ends, which was believed to be a pipe bomb. Investigators cleared out of the corridor and contacted Jefferson County Sheriff's Office Bomb Squad who initiated Render Safe Procedures ("RSP") for the pipe bomb. During the RSP, one of the caps on the pipe bomb fell off and a black powder came out of the pipe.

10. After the bomb squad deemed the area safe, investigators returned to the corridor to complete the collection of evidence. Upon examination of the two devices, investigators found that the two propane tanks were taped together and a paper material was stuffed along side the tanks and one of the electrical boxes. Melted to the bottom and side of one of the propane tanks was what appeared to be a plastic bag from Target.

11. All of the components of the two devices, the matches, debris, and suspected smokeless powder were photographed and collected. Later, these items were sent to the FBI Laboratory in Quantico, Virginia.

12. Investigators reviewed surveillance video from the Southwest Plaza Mall starting with the corridor where the two incendiary devices were located. Surveillance video showed that at about 11:43 a.m., on April 20, 2011, an older white male, wearing a dark colored baseball hat, blue jeans, a dark colored jacket, and a horizontal striped shirt entered the employee entrance carrying a white and red plastic bag. The male left the corridor out of the employee entrance at about 11:44 a.m., without the plastic bag. The only other individual seen on the video in the corridor during this time period was the security officer who responded to the report of a fire in the corridor.

13. After obtaining a physical description of the male, investigators went to the Target Store located next to the mall. From interviews and review of surveillance video

from Target, investigators learned that the same male purchased a two-pack of Coleman Propane fuel canisters, and a roll of one inch Gorilla tape along with other items at approximately 8:06 p.m. on April 19, 2011, and left the store.

14. On April 21, 2011, investigators contacted officials with the Regional Transportation District ("RTD"). Investigators reviewed video footage for bus routes coming to or leaving the area of Southwest Plaza Mall. Investigators discovered that the male seen in the surveillance videos from both the Southwest Plaza Mall and Target was on an April 19, 2011 video for an RTD bus leaving the area of the Southwest Plaza Mall. The male is seen boarding a bus at the stop on West Cross Drive at about 8:50 p.m. This stop is located behind the Target store. The male remained on the bus until it stopped in the area of West 44th Avenue and Wadsworth Boulevard.

15. On April 23, 2011, investigators were informed that a DNA profile had been developed from the evidence collected from the scene of the fire. This DNA profile was run through the CODIS database. In the CODIS database, the DNA from the Southwest Plaza Mall fire evidence was a positive match for a DNA sample in CODIS for Earl Albert Moore, YOB 1946.

16. Investigators obtained two photographs of Moore, one from his Colorado Driver's License and another from his most recent booking into the Jefferson County Jail. The photographs appear to be the same person shown on the video footage from

the Southwest Plaza Mall on April 20, 2011, the Target store on April 19, 2011 and the RTD footage from April 19, 2011.

17. The Southwest Plaza Mall and its associated property is owned by General Growth Authority. General Growth Authority's corporate offices are based out of Chicago, IL. The Southwest Plaza Mall also contains numerous stores that sell goods shipped in interstate commerce. Thus, the building and other property damaged and destroyed is in and does affect interstate commerce.

18. Based upon the aforementioned information and events, and your affiant's training and experience, your affiant believes that probable cause exists to believe that Earl Albert Moore, (YOB: 1946), has committed a violation of the following federal Arson laws, which substantiates the issuance of an arrest warrant:

> **Title 18, USC Section 844(i)** – It shall be unlawful for any person who maliciously damages or destroys, or attempts to damage or destroy, by means or fire, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce.

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I, Larry Kreger, Jr., being duly sworn according to law, depose and say that the facts stated in the foregoing affidavit are true and correct to the best of my knowledge, information and belief.

Larry Kreger, Jr.,
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 24 **day of** April **, 2011.** At 1:18 Am

UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

MICHAEL J. WATANABE
U.S. MAGISTRATE JUDGE

ATTACHMENT A

COUNT 1

On or about April 20, 2011, in the State and District of Colorado, the defendant, EARL ALBERT MOORE, did maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, a building and other real and personal property used in interstate or foreign commerce and used in any activity affecting interstate or foreign commerce.

All in violation of Title 18, United States Code, Section 844(i).

DEFENDANT: Earl Albert Moore

YOB: 1946

ADDRESS:

OFFENSE: Arson of Building and Other Real Property in Interstate Commerce

LOCATION OF OFFENSE: Jefferson County, Littleton, CO
(COUNTY/CITY/STATE)

PENALTY: NLT 5 years imprisonment, NMT 20 years imprisonment; $250,000 fine, or both; NMT 5 years supervised release; $100.00 Special Assessment Fee; and restitution

AGENT: Special Agent Larry Kreger, Jr. – FBI
Investigator Don Roach – JCSO

AUTHORIZED BY: Greg Holloway
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

__X__ five days or less _____ over five days _____ other

THE GOVERNMENT

__X__ will seek detention in this case _____ will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant. **(Circle one)**

OCDETF CASE: _____ Yes __X__ No