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FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
FEB 19 2014
BY D. MARK JONES, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, : FELONY COMPLAINT
Plaintiff, : Case No. 2:14mj46DBP
vs. : VIOLATION:
DUSTIN JAY BOWMAN, : 18 U.S.C. § 844(i), Arson Damaging
Defendant. : a Building and Real and Personal
Property Used in Interstate
Commerce.
: Magistrate Judge Dustin B. Pead

Before the Honorable Dustin B. Pead, United States Magistrate Judge for the
District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT 1
18 U.S.C. § 844(i)
(Arson Damaging a Building and Real and Personal Property Used in Interstate Commerce)

On or about February 9, 2014, in the Central Division of the District of Utah,

DUSTIN JAY BOWMAN,

defendant herein, did maliciously damage and destroy, and attempt to damage and
destroy, by means of fire, real and personal property used in interstate and foreign

commerce, to wit: the apartment building and contents therein located at 540 East 500 South, Salt Lake City, Utah; all in violation of 18 U.S.C. § 844(i).

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

I, Jerome R. Sharpe, being duly sworn, depose:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives and am assigned to the Salt Lake City Field Office. I have been employed as an ATF Special Agent since 1989. I have received specialized training in the investigation of arson from the Federal Law Enforcement Training Center, Glynco, Georgia. Prior to my employment with the ATF, I was a police officer, and have approximately 33 years of law enforcement experience. During my law enforcement career, I have conducted and assisted in hundreds of investigations related to federal and state criminal violations. I have conducted hundreds of interviews of suspects, witnesses, and informants relating to various types of crimes.

This affidavit does not contain all of the information known to me or to law enforcement regarding this investigation, but contains only those facts believed to be necessary to establish probable cause in order to obtain an arrest warrant. Information developed to date as a result of my investigation and the investigation of other law enforcement officers revealed the following:

1. On Sunday February 9, 2014, at approximately 5:45 p.m., a 64,000 square foot apartment building under construction at 540 East 500 South, Salt Lake City, Utah, was set ablaze, causing a four alarm fire which destroyed the building. The building had been

fully framed in, and the process of installing drywall, windows, electrical wiring, plumbing and other materials was underway. The Salt Lake City Fire Department estimates that the monetary damages caused by the fire at six million dollars.

2. Shortly after the fire, the Salt Lake City Fire Department requested the assistance of the ATF in the investigation of the scene. Accordingly, the ATF National Response Team ["NRT"] was deployed to the location. The Salt Lake City Fire Department, ATF NRT, and special agents from the ATF Salt Lake City Field Office conducted a joint investigation of the fire.

3. During the first few days after the fire investigators reviewed surveillance video obtained from several buildings surrounding the fire scene. The video surveillance footage shows as follows: On February 9, 2013, at approximately 5:22 p.m., a light skinned male walked southbound through the alleyway immediately west of the apartment building at 540 East 500 South. The security fence surrounding the construction site opened, as the person presumably entered into the fenced off construction site. The person then walked south inside the fence line and out of camera range. At approximately 5:29 p.m., the same person walked north along the west side of the site within the fence line. He then walked inside the apartment building near the southwest corner. At approximately 5:31 p.m. the person exited the building at the southwest corner. He walked south, then west towards 500 East, and out of camera range. At approximately 5:45 p.m., the same person walked east along 500 South away

from the construction site. At approximately 5:46 p.m., smoke began rising from the building.

4. At approximately 5:57 p.m., 911 operators received numerous calls reporting the fire.

5. On February 13, 2014, ATF Special Agent David Allen arranged to interview the Electrical Foreman at the construction site. The Electrical Foreman brought one of his electricians working on the site named DUSTIN JAY BOWMAN. Utilizing a laptop computer, SA Allen showed the Electrical Foreman screenshots from the surveillance footage described in above in paragraph 3. The Electrical Foreman remarked that the person in the video resembled BOWMAN, at which point BOWMAN hesitated, examined the screenshots, and then denied that the person on the video screenshots was him. SA Allen observed that BOWMAN appeared anxious when confronted with his resemblance to the suspect in the video. SA Allen, an experienced law enforcement officer, also believed that BOWMAN resembled the person in the surveillance video.

6. On February 13, 2014 at approximately 8:27 p.m., SA Allen received an unsolicited text message from BOWMAN. In the message, BOWMAN stated, "I have information on the video I could not share with you in front of Chris. Please text return if we can meet?" SA Allen arranged to meet BOWMAN on the evening of February 14, 2015.

7. BOWMAN came to the area of the fire scene to meet with SA Allen and other law enforcement officers. BOWMAN admitted that he was the person in the surveillance

video and showed the investigators where he had entered the Conex box (metal shipping container), near the southwest corner of the site. BOWMAN said he had gone into the box to smoke some spice, gotten paranoid, and left the scene. He denied going into the apartment building.

8. BOWMAN then agreed to be interviewed by the investigators at the nearby Salt Lake City Public Safety Building. There, BOWMAN was told he was free to leave at any time. BOWMAN stated that he had entered the building to get some spice cigarettes. He stated that he got a pile of insulated alarm wire and, using some cardboard and a Bic lighter, set it on fire. BOWMAN stated that he intended to burn the insulation off the wire so he could sell the copper for scrap. According to BOWMAN, the fire got out of control and he was unsuccessful at stomping it out. At that point he panicked and ran out of the building, going west down an alley behind the building, then walking north on 500 E, then east on 500 S. The investigators interrupted the interview, read BOWMAN his rights and obtained a signed waiver and written statement. BOWMAN was arrested and booked in jail on state arson charges.

9. Some of the evidence at the scene was not consistent with BOWMAN'S statement at the Public Safety Building. On February 15, 2014, investigators re-interviewed BOWMAN at the jail after re-advising him of his *Miranda* rights. There, BOWMAN admitted his previous statement was untrue. BOWMAN admitted that after he had smoked some spice he went into one of the apartment units, found some cardboard, crumpled it up, lit it on fire with his lighter and tossed it at the base of a bathtub.

BOWMAN described that the bathtub was in a cardboard enclosure and was leaning up on a vertical angle against a wood wall. BOWMAN claimed that if he intended to start a fire, then it was only to start a small fire, perhaps involving one or two apartments. When questioned as to his motive for setting the fire, BOWMAN said that the Fire Department had been out to the construction site the day before to examine the construction site.

When asked again about his motive, BOWMAN said "maybe I wanted to see the Fire Department."

10. The ATF NRT Certified Fire Investigators determined the fire was intentionally set, consistent with BOWMAN's admission. The CFIs also determined that the fire originated in a first floor apartment in the south end of the building, consistent with BOWMAN'S admission.

11. Items destroyed in the fire travelled in interstate commerce. For example, the roof trusses were manufactured in Idaho. Interstate commerce was also affected when the Smith's grocery store across the street from the construction site had to be temporarily evacuated and closed due to burning embers from the arson site landing on the roof, causing damage. The Smith's subsequently sustained water damage when rain came through the fire damaged roof and into the store. Additionally, the dental offices next door to the arson site also sustained substantial water and smoke damage.

Therefore, there is probable cause to believe that DUSTIN JAY BOWMAN violated 18 U.S.C. § 844(i), Arson Damaging a Building and Real and Personal Property

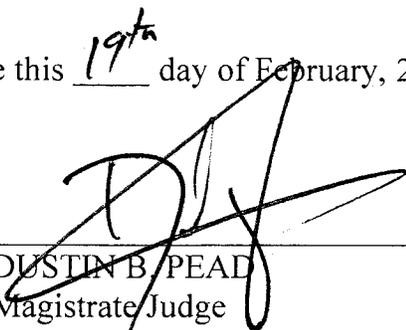
Used in Interstate Commerce, on February 9, 2014, in the Central Division of the District of Utah.

DATED this 19th day of February, 2014



JEROME R. SHARPE
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

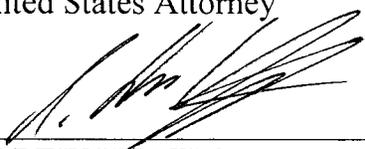
SUBSCRIBED and SWORN to before me this 19th day of February, 2014



DUSTIN B. PEAD
Magistrate Judge
District of Utah

APPROVED AS TO FORM:

DAVID B. BARLOW
United States Attorney



J. DREW YEATES
Assistant United States Attorney