

FILED

OCT 9 2015

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Eastern District of California

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

United States of America)
v.)
Christopher James Harp)
_____)
Defendant

Case No. **1:15-MJ-00153-BAM**

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 08/31/2015 in the county of Kern in the Eastern District of California, the defendant violated See below U. S. C. § _____, an offense described as follows:

Deprivation of government property with damage exceeding \$1,000.00 in violation of Title 18 United States Code Section 1361

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.

[Signature]

Complainant's signature

SA Brian Adams # 416

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/9/15

[Signature]

Judge's signature

City and state: Fresno, California

Honorable Barbara A. McAuliffe

Printed name and title

1 **AFFIDAVIT IN SUPPORT OF APPLICATION**
2 **FOR ARREST WARRANT**

3
4 I, Special Agent Brian Adams, being duly sworn, hereby state and depose:

5 **I**

6 **Affiant's Credentials**

7
8 1. I am a Special Agent with the United States Forest Service (USFS), stationed on the
9 Sequoia National Forest. I have been employed by the USFS since April of 1986 and was a
10 uniformed Law Enforcement Officer from 1992 to 2008. In May of 2008, I became a Special
11 Agent. I am a graduate of both the Land Management Police Training Program and the
12 Criminal Investigator Training Program at the Federal Law Enforcement Training Center in
13 Glynco, Georgia. I also have the arrest powers of a California State Peace Officer, pursuant to
14 sections 830.8 (a) and (b) of the California Penal Code, and have completed the training
15 required by the State of California pursuant to Penal Code section 832. My primary duties
16 include detecting, investigating, apprehending, and prosecuting criminal activity associated with
17 controlled substance production and use on and relating to National Forest System lands. I have
18 been both the lead and assisting investigator in numerous controlled substance investigations
19 and have arrested/cited hundreds of persons for possession, manufacturing, transportation and
20 sales of various controlled substances and illegal drug paraphernalia. While employed as an
21 LEO/Special Agent, I have investigated over 600 large-scale outdoor marijuana grow sites on
22 federal, state, tribal and private lands. I am also responsible for investigating other crimes that
23 occur on USFS land, including arson, resource and property damage and theft.

24 2. During my career, I have conducted or participated in numerous archaeological
25 resource theft investigations on USFS, BLM and private lands. I have attended the ARPA
26 (Archaeological Resource Protection Act) training and routinely work with trained
27 archaeologists in relation to locating archaeological sites and identifying artifacts. I am familiar
28 with the locations of hundreds of historic and prehistoric sites on both public and private lands

1 and routinely monitor many of these sites for signs of illegal activity. I am considered an
2 authority on Native American Rock Art in the Kern County area and have been called upon
3 numerous times to guide professional archaeologists to sites I am either aware of or have
4 discovered myself. I have seized both historic and prehistoric artifacts from people who have
5 illegally removed them from public lands.

6 Based upon this knowledge and experience, I state the following:
7

8 **II**

9 **NATURE OF AFFIDAVIT**
10

11 3. This affidavit is submitted in support of a criminal complaint and application for
12 issuance of an arrest warrant for **Christopher James Harp**. Based upon your affiant's training,
13 experience and conversations with other law enforcement officers, there is probable cause to
14 believe that there is sufficient evidence to arrest the above named subject for committing
15 depredation of government property with damage in excess of \$1,000.00, in violation of Title 18,
16 United States Code, Section 1361.

17 4. The facts set forth in this affidavit are based on my training and experience and
18 information obtained from other witnesses and Law Enforcement Officers, including incident
19 reports. This affidavit is intended to show that there is sufficient probable cause for the
20 requested complaint and arrest warrants and does not purport to set forth all of my knowledge
21 of, or the investigation into, this matter.

22 **III**

23 **STATEMENT OF PROBABLE CAUSE**
24

25 5. On September 6, 2015 I received information from USFS Archaeologist T. Kelly
26 regarding recent graffiti incident that had occurred at a location known as Rabbit Island. Rabbit
27 Island is on Sequoia National Forest land within Kern County in the Eastern District of
28 California. Rabbit Island is a large rock outcropping containing thousands of large granite

1 boulders. I was working two felony cases and did not have time to immediately investigate.
2 Kelly gave me several pictures of the vandalism and an empty aerosol can of asphalt sealer that
3 was found by a citizen in the area. Since the can was not left in place for me to see, I did not
4 know exactly where the can came from and therefore it did not hold evidentiary value. I made
5 note of the can and disposed of it. The can was Henry's brand asphalt sealer and was red and
6 white in color. The can had a spout that sprayed vertically instead of horizontally.

7 8. On September 16, 2015 I was contacted again by Kelly. Kelly stated that he had visited
8 the area with a representative of the local Native American community and they discovered that
9 the east portion of the vandalism had damaged a panel of prehistoric petroglyphs depicting
10 bighorn sheep on the face of a large boulder. Kelly sent me photographs of the petroglyphs and
11 vandalism. I was aware that Rabbit Island was once the site of a large Tubatalabal Indian village
12 and there were numerous archaeological remains in the area, but I had not previously seen those
13 particular petroglyphs. I went to the area to investigate further.

14 9. I located black graffiti sprayed on numerous rocks for a distance of approximately 100
15 yards along the south side of Rabbit Island. The graffiti was done in a thick, black substance and
16 did not appear to be made by paint. The substance was consistent with asphalt sealer or some
17 similar sticky substance. The phone number "808-3550" was sprayed on a rock, along with the
18 caption "blow jobs 24-7". Other vulgar pictures, arrows and designs were painted on other rock
19 faces. By checking a law enforcement database I discovered that the phone number was from
20 the 661 area code and was registered to David Paris of Bakersfield California. Paris is the owner
21 of Armor Fiberglass. Armor Fiberglass is a company that repairs swimming pool linings and
22 makes other fiberglass related repairs. I checked the company website and noticed the company
23 logo was one of the designs sprayed on the rocks at Rabbit Island. The logo was very distinct. I
24 checked the east end of the vandalism area and saw three bighorn sheep petroglyphs on the
25 boulder. It appeared to me that someone was mad at or had a grudge against the owner of Armor
26 Fiberglass.

27 10. On September 30, 2015 I called the number 661-808-3550 and a subject identified as
28 Steve Marvison answered the phone. Steve confirmed that the phone was a company phone

1 owned by Armor Fiberglass and said he is an employee. Marvison agreed to meet me at the
2 company shop at 4118 East Drive in Bakersfield, California. I arrived at the shop at
3 approximately 1100 hours and contacted David Paris. Paris told me Steve was not there at the
4 moment. Paris advised that he had a fire at his shop on the previous night and most of his
5 equipment was destroyed. Paris said the fire started in a trailer that was occupied by an
6 employee named Christopher Harp. At approximately 1230 hours I met with Marvison.
7 Marvison denied committing the vandalism. I asked him if there were any other employees
8 working for the company or if there were any recent disgruntled employees. Marvison stated
9 that the only other employee was Christopher Harp. Marvison said that Harp had been living at
10 the shop in a trailer, but had left after the fire. Marvison said he and Harp had a disagreement and
11 he knew Harp was mad at him, but he did not have any knowledge of Harp doing any vandalism
12 to get even with him. I obtained the phone number of 661-808-5780 for a company phone that
13 was in Harp's possession. By means of law enforcement and California Department of Motor
14 Vehicle databases I was able to locate a date of birth, driver's license information and physical
15 description of Harp. Over the next week I attempted to locate Harp without success.

16 11. As a result of further investigation, I obtained a possible location of Harp at an
17 apartment off of Oildale Drive in Bakersfield, California. The official address was 500
18 Woodrow Street. On October 8, 2015 I went to the area with USFS officer T. Davis to attempt
19 to locate Harp. As I drove past the apartment I saw a subject that matched the description of
20 Harp in the front yard. I returned to the apartment at approximately 0955 hours and saw the
21 subject standing in the doorway. I asked the subject if he had a cell phone with the number of
22 661-808-5780. At first he denied it, but then he went inside and retrieved the phone and showed
23 it to me and said that was his phone number. I asked him what his name was and he said Chris
24 Harp. I asked Harp if he minded talking to me and Davis about a vandalism case and he agreed
25 to talk to us. Harp was not told he was under arrest or otherwise detained. When I asked Harp if
26 he knew anything about the vandalism case in the Lake Isabella area he said he knew about it
27 and admitted to committing the vandalism. Harp said Marvison had mentioned it to him on the
28 previous day and he told Marvison he committed the vandalism because he was mad at him.

1 12. Before asking Harp any more questions I read him his Miranda rights from a printed
2 card. Harp said he understood his rights. Harp waived his rights and agreed to answer questions.
3 Harp said approximately four months ago he went to the Lake Isabella area to visit his brother in
4 the town of Mountain Mesa. Harp said one night he went for a drive towards Kernville and took
5 a dirt road down to the lake bottom and went to a large rock pile. It should be noted here that
6 Harp described the general area of Rabbit Island. Harp said he sprayed graffiti on the rocks with
7 a black spray can. He said the can sprayed straight instead of to the side like a normal aerosol
8 can said and it was a "black paint used to mark sidewalks". Harp said he did the vandalism
9 because he was "pissed off" at Marvison. He said he didn't remember why he was mad at
10 Marvison. He said he worked with Marvison until their shop burned down. I asked Harp if he
11 remembered what he wrote on the rocks and he said all he remembered was "somebody was
12 sucking a dick". Harp said he wrote Marvison's phone number on the rocks. I showed Harp a
13 picture of the phone number on the rock and he said that was the number he wrote. Harp said he
14 drove his truck from Bakersfield up to the Lake Isabella area. Harp said he no longer has a
15 truck. I showed Harp pictures of the vandalism and he admitted to committing most of the
16 vandalism. He said it was at night and was very dark. He also said he was very drunk when he
17 did it. Harp said he had been drinking beer and vodka that day. Harp said he did not know there
18 were petroglyphs on the rocks when he committed the vandalism and had no idea the area had
19 archaeological significance. Harp said he found the spray can in the trash. Harp later told
20 Officer Davis that he remembered that he was mad at Marvison because he "talked to him like a
21 child". Harp said he "kicked Marvison's ass" on two prior occasions and did not want to do it
22 again, so he put his phone number along with vulgar messages on the rocks instead.

23 13. USFS Archaeologist T. Kelly advised me that special procedures needed to be followed
24 to remove the graffiti without damaging the petroglyphs. Kelly advised that the estimated cost of
25 removing the graffiti would easily exceed one thousand dollars in materials and employee costs.
26 The site must also be properly documented and recorded.

27
28 **IV**

CONCLUSION

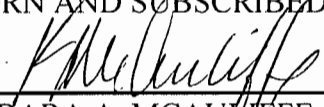
1
2
3 14. Based on the foregoing facts and information, my training and experience and
4 through discussions with other investigators, I believe that there is probable cause to charge and
5 arrest **Christopher James Harp** for committing depredation of government property in violation
6 of 18 USC 1361 with damage exceeding \$1,000.00,.

7 Your affiant swears under penalty of perjury that the facts presented are true and accurate
8 to the best of my knowledge.


9
10 

11 BRIAN ADAMS
12 Special Agent
United States Forest Service

13
14 SWORN AND SUBSCRIBED TO ME BEFORE THIS 9 DAY OF OCTOBER, 2015.

15 
16 BARBARA A. MCAULIFFE
17 United States Magistrate Judge
Eastern District Of California

18 Reviewed and Approved as to Form
19 This 8th day of October, 2015

20 s/ Michael Frye 
21 MICHAEL FRYE
Assistant U.S. Attorney