

UNITED STATES DISTRICT COURT
for the
Eastern District of California

United States of America
v.

Eric Michael Smith

Defendant(s)

Case No. 3:20-mj-0011 DMC

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(s) of July 7, 11, 20, 21, 23, and 25, 2020 in the county of Shasta in the
Eastern District of California, the defendant(s) violated:

Code Section

18 U.S.C. § 1855

18 U.S.C. § 1856

Offense Description

Willfully setting fire to land owned by or under the jurisdiction of the United States.

Leaving a fire unattended and unextinguished on land owned by or under the jurisdiction of the United States.

This criminal complaint is based on these facts:

See the attached Affidavit of U.S. Forest Service Special Agent Tyler Bolen.

☒ Continued on the attached sheet.



Complainant's signature

Tyler Bolen, U.S. Forest Service Special Agent

Printed name and title

Sworn to me and signed telephonically.

Date: 7-29-2020

City and state: Redding, California



Judge's signature

Dennis M. Cota, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
AND ARREST WARRANT**

I, Tyler Bolen, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant and for an arrest warrant, under Rule 41 of the Federal Rules of Criminal Procedure.

2. I am a Special Agent with the United States Forest Service (the “USFS”), and have been for two years. Prior to this, I was a USFS Law Enforcement Officer for nearly eight years. I am currently assigned to the Shasta-Trinity National Forest. I am authorized, and presently assigned, to investigate and enforce violations of federal law that affect national forest lands, including willfully setting fire to any timber, underbrush, or grass upon lands owned by the United States, in violation of 18 U.S.C. § 1855, and leaving a fire unattended and unextinguished, in violation of 18 U.S.C. § 1856.

3. I received eight months of full time, formalized training at the Federal Law Enforcement Training Center in Brunswick, Georgia. In addition to my other law enforcement duties, I am a fully qualified wildland fire investigator, having completed the following courses: Fire Investigation 210—Wildland Fire Origin and Cause Investigation Course, and Fire Investigation 310—Wildland Fire Investigation Case Development Course. During these courses of training, I received training in the professional standards of wildland fire investigation, fire behavior, identifying and recognizing burn patterns, identifying and collecting fire scene evidence, investigation methodology, interviewing, search warrant development, and courtroom preparation and testimony. Additionally, I hold a Master of Arts degree in Criminal Justice.

4. I am a “law enforcement officer” of the United States within the meaning of that term contained at 18 U.S.C. § 2510(7). I am empowered by law to conduct investigations of, and to initiate arrests for, various offenses that occur on or affect national forest lands.

5. In addition to my training, I am an experienced wildland fire investigator. From 2013 through 2015, I was a member of the USFS Region 3 Fire Investigation Team that

responded to complex fire investigations in Arizona and New Mexico. From 2016 through 2018, I was a member of the USFS Region 5 Fire Investigation Team in California, while also serving as a wildland fire investigation instructor responsible for training new investigators. During the course of my career, I have prepared, sworn to, and served dozens of federal search warrants associated with private properties, public land sites, internet and cellular-based companies, cellular phones, and vehicle tracking devices. I have investigated over fifty wildland fires, including many fires determined to be acts of arson.

6. The facts in this affidavit are based on my personal observations and on my training and experience, as well as on consultations with other investigators including USFS fire investigation specialists and agents from the California Department of Forestry and Fire Protection (“CAL FIRE”).

II. SCOPE OF REQUESTED WARRANTS

7. Based on the facts set forth below, I submit that probable cause exists to believe that violations of 18 U.S.C. §§ 1855 and 1856 (the “specified federal offenses”) were committed by ERIC MICHAEL SMITH,¹ who resides at 867 Rincon Way in Redding, California.

8. This affidavit is submitted in support of an application for a warrant to search the following:

- a) The residence located at 867 Rincon Way, Redding, California 96003, which is a residence more fully described in Attachment A-1;
- b) A white 2010 Acura sedan, with California license plate 7CHC120, a vehicle more fully described in Attachment A-2;
- c) The person of ERIC MICHAEL SMITH, a person more fully described in Attachment A-3;

in order to locate and seize the items described in Attachment B as evidence or instrumentalities of the specified federal offenses.

¹ I reviewed SMITH’s criminal history, which reflects that his middle name is spelled, “MICHEAL.” On SMITH’s California driver license record, his middle name is spelled, “MICHAEL.”

9. This affidavit is also made in support of a criminal complaint and application for a warrant to arrest ERIC MICHAEL SMITH for committing the specified federal offenses.

10. Based on the facts set forth below, I believe that ERIC MICHAEL SMITH is responsible for willfully setting fire to lands owned by or under the jurisdiction of the United States, in violation of 18 U.S.C. § 1855, and that SMITH is responsible for leaving campfires to burn unattended on lands under the jurisdiction of the United States, in violation of 18 U.S.C. § 1856. I further believe that SMITH is storing incendiary materials used to commit the specified federal offenses in the Target Vehicle and in the residence located at 867 Rincon Way, Redding, California 96003. I also believe that SMITH had in his possession at the time he committed the specified federal offenses a cellular telephone associated with the telephone number (530) 215-6826, and that SMITH's cellular telephone contains evidence of SMITH's arson-related activities, such as photographs, videos, and location data. This Affidavit therefore requests authority to search the locations described in Attachments A-1 through A-3 in order to locate and seize the items described in Attachment B as evidence and instrumentalities of violations of the specified federal offenses.

11. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrants and does not set forth all of my knowledge about this matter.

III. JURISDICTION

12. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. Specifically, the Court is "a district court of the United States . . . that has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

IV. BACKGROUND

A. Fire Investigation Techniques.

13. As a wildland fire spreads, it leaves behind fire pattern indicators. Fire pattern indicators are physical objects that display changes from exposure to heat, flame, and combustion byproducts. Analyzing fire pattern indicators helps fire investigators determine the origin of wildland fires because accurate analysis of fire pattern indicators reveals the direction

in which wildland fires spread. Additionally, wildland fire investigators can use fire pattern indicators to determine the location where wildland fires originally ignite through a process known as “backtracking.”

14. Upon locating the origin location of a wildland fire, wildland fire investigators then determine the cause of the fire. Based on my training and experience, I know that there are nine causal categories of wildland fires. These categories are, in no particular order:

(i) lightning, (ii) campfires, (iii) smoking, (iv) debris burning, (v) arson/incendiary, (vi) equipment use, (vii) railroads, (viii) children, and (ix) miscellaneous. The miscellaneous category includes several sub-categories of fire causes such as fireworks, firearms, and welding.

15. To determine the cause of a wildland fire, fire investigators engage in a systematic examination of the fire’s origin location and adjacent area. This analysis leads to the exclusion of causal categories for which no evidence exists. For example, if fire investigators find no evidence of equipment use within the fire’s general origin area, then the wildland fire investigators can and do logically exclude equipment use as the fire’s cause. This systematic methodology, which requires a careful examination of a fire’s origin location and adjacent area, eventually leads to fire investigators making a causal determination. Typically, this determination occurs once fire investigators logically exclude all but one cause of the wildland fire based on evidence recovered within the fire’s origin area and adjacent area.

16. As stated above, one of the nine causal categories of wildland fire is arson/incendiary—fires that are deliberately or maliciously set by humans. Based on my training and experience, I know that there are many indications of arson-caused fires, including the following:

- a) They often ignite in areas where other arson-suspected fires have been set in the past;
- b) They are commonly set near roads that can accommodate motor vehicle travel, which provides a convenient means for arsonists to quickly leave the origin areas of the fires they set;
- c) They are commonly set along roads where they can see approaching vehicles

which allows them to time their ignitions undetected;

d) They are frequently characterized by a lack of causal evidence within the origin location and surrounding geographic area, because of the ease with which an arsonist can ignite a wildland fire simply by applying a lighter to vegetation along the side of a road;

e) They are often set during low-traffic conditions, such as nighttime hours, as this reduces the risk they will be seen by witnesses.

f) They often choose their locations where terrain and darkness can better conceal their ignition sites.

B. Locations Where Evidence Is Likely to Be Found.

17. Based on my training and experience, I know that arsonists need a physical location to store items relating to their illegal activities. Such items can include, but are not limited to, incendiary materials or devices, maps, instructional manuals, photographs, and other materials. In my training and experience, arsonists frequently store such items in their personal residence and in vehicles under their dominion and control.

18. Based on my training and experience, I also know that arsonists derive pleasure and satisfaction from observing first responders react to the fires that arsonists set. Indeed, experiencing this pleasure and satisfaction is one of the primary motivators for arsonists to set fires. One way for arsonists to preserve these feelings of pleasure and satisfaction is to take photographs or record video footage of first responders reacting to fires that arsonists set. These photograph and video files are frequently stored in arsonists' private residences, on their mobile cellular devices, or on their personal computers contained in their residences.

19. Based on my experience and knowledge obtained from other agents, I know that cellular phones are commonly in the possession of the vast majority of people, including arsonists. I know that arsonists have been known to use their cellular phones' Internet browsing capabilities to research arson crimes, techniques, and arson laws. I further know that individuals have been known to upgrade the physical devices associated with a cellular phone number while retaining the older replaced devices under their possession and control.

C. Previous Arsons During the Last Two Years.

20. For at least two years, the USFS has investigated repeated wildland arson fires in the area of Gilman Road, north of Shasta Lake in Shasta County, and within the Eastern District of California. Each of the fires began within the Shasta-Trinity National Forest, which is land owned by the federal government and administered by the USFS.

21. The arson fires shared commonalities in that they were set along a remote stretch of the Gilman Road corridor, a road that winds through rural private properties and the Shasta-Trinity National Forest. The fires were set in close proximity to the road, which afforded the arsonist(s) the ability to set fires and then depart the area with minimal risk of detection. Most of the fires were set during nighttime hours, when Gilman Road receives little to no traffic.

V. FACTS SUPPORTING PROBABLE CAUSE

A. Investigation of the Ellery Fire in June 2020.

22. On June 23, 2020, at approximately 8:21 a.m., a wildland fire was reported along Gilman Road. On this same day, USFS fire investigators engaged in an origin and cause investigation of the fire, named the “Ellery Fire.”

23. Investigators located and examined the origin of the Ellery Fire, and after considering the nine causal categories of fire, determined the fire had been an act of arson. The Ellery Fire damaged under one acre of vegetated land owned by the United States because firefighters were able to contain the fire prior to it rapidly spreading.

24. The relative humidity levels were still high during the early morning hours of June 23, 2020, and humidity levels can play a significant role during the infant stages of a wildland fire. This is because low relative humidity levels contribute greatly to fast-spreading fires; higher relative humidity levels contribute to slower-spreading fires.

25. Additionally, fuel moisture levels are also a significant factor in a fire’s rate of spread. During the early morning hours of June 23, 2020, fuel moisture levels in the area surrounding the Ellery Fire were not conducive to rapid fire spread.

26. When I arrived on scene of the Ellery Fire at approximately 10:00 a.m. on June 23, 2020, I noticed there was no wind in the area. Wind is a significant factor in wildfire spread;

strong winds contribute to faster fire spread while light winds contribute to slower fire spread.

27. Based on the weather conditions prevailing during the time of ignition, fuel moisture conditions, witness interviews, surveillance images, and independent analysis of the evidence at the site of the Ellery Fire's ignition, fire investigators concluded that the Ellery Fire ignited between 6:30 a.m. and 7:00 a.m. on June 23, 2020.

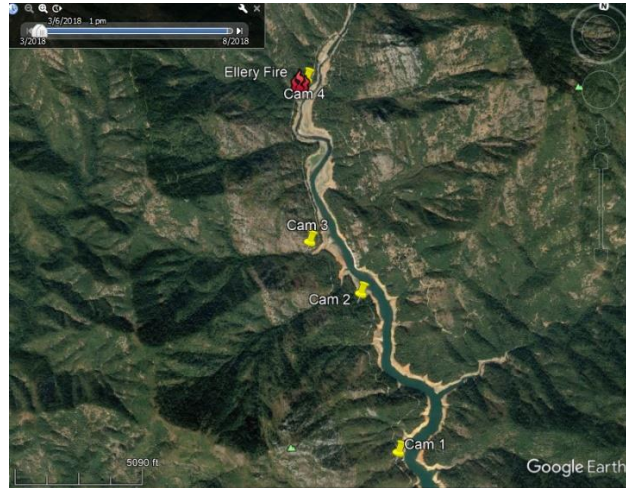
28. To investigate the cause of the fires set along Gilman Road over the previous two years, a team of USFS law enforcement officers, special agents, and I began focusing our investigative efforts in the Gilman Road area of the Shasta-Trinity National Forest in late 2019 and 2020. In June of 2020, this team installed motion-detection surveillance cameras at various points along Gilman Road, which generally runs in a north-south direction.

29. These cameras are designed and positioned to record images of passing vehicles, including the vehicles' license plates, travelling along Gilman Road in the Shasta-Trinity National Forest. The cameras record timestamped images when an object moves in a given camera's view. The timestamps should be viewed with a degree of error of +/- one minute.

30. The USFS investigation team placed multiple cameras at various points along Gilman Road. Four of these cameras, in particular, encompass the general geographic area in which the Ellery Fire was set. The team placed Camera 1 along Gilman Road approximately 3.85 miles south of the origin area of the Ellery Fire. The team placed Camera 2 along Gilman Road approximately 2.1 miles south of the origin area of the Ellery Fire. The team placed Camera 3 along Gilman Road approximately 1.35 miles south of the origin area of the Ellery Fire. The team placed Camera 4 along Gilman Road approximately seventy yards north of the origin area of the Ellery Fire.

31. Using Google Earth, I created a visual representation of the approximate locations along Gilman Road where the investigative team installed the four motion-activated cameras mentioned above, each of which is represented by a yellow thumbtack with the abbreviation of "Cam." This Google Earth representation also includes the approximate location of the origin area of the Ellery Fire, which is represented by a red flame.

32. The Google Earth representation I created is below:



33. As part of my investigation into the Ellery Fire, I reviewed surveillance images captured by these four cameras during the hours preceding the Ellery Fire. In summary, multiple surveillance images showed a white Acura sedan displaying California license plate 7CHC120 (the “Target Vehicle”) travelling back and forth along Gilman Road to and from the area where the Ellery Fire originated during the hours leading up to the Ellery Fire. No surveillance images showed any other vehicle or individual in the vicinity during the two-and-a-half hours leading up to the Ellery Fire.

34. The following is a chronology that includes surveillance images and physical observations made by undercover law enforcement officers positioned along Gilman Road during the nighttime hours that preceded the Ellery Fire.

1. Target Vehicle Observed Driving Northbound Approximately Six Hours Prior to Ignition of the Ellery Fire.

35. At 12:24 a.m., Camera 1 captured the Target Vehicle driving northbound.

36. At 12:28 a.m., Camera 2 also captured the Target Vehicle driving northbound. Below is a reproduction of the image captured by Camera 2 at this time, clearly displaying the Target Vehicle's license plate:



37. Camera 3 did not capture any clear image of the Target Vehicle during this approximate timeframe, because Camera 3 was positioned to record images of vehicles driving southbound.

38. Camera 4 also did not capture any images of the Target Vehicle driving northbound during this approximate timeframe, even though Camera 4 was positioned to record images of vehicles driving northbound. This is consistent with the Target Vehicle stopping its northbound route before reaching Camera 4, which was positioned on Gilman Road just north of the Ellery Fire ignition site.

2. Law Enforcement Agents' Observations Approximately Four Hours Prior to Ignition of the Ellery Fire.

39. Shortly after midnight on June 23, 2020, undercover law enforcement agents positioned approximately two miles south of Camera 1 observed a vehicle (later determined to be the Target Vehicle) driving northbound on Gilman Road. After waiting so as not to arouse suspicion by following directly behind the observed vehicle, these agents drove northbound to

check the area at approximately 2:10 a.m.

40. At approximately 2:20 a.m., these agents approached the same site along Gilman Road that was later determined to be the Ellery Fire's ignition site. At this location is a dirt trail running perpendicular to Gilman Road that dead-ends approximately seventy-five feet below Gilman Road, at which point there is a flat dirt-covered area large enough for a vehicle to turn around and drive the short distance back up to Gilman Road.

41. In this flat dirt-covered area, the glow of a campfire caught the agents' attention. Although the flat dirt-covered area is close to Gilman Road, its position is also directly below the roadway. This means that in order to view the flat dirt-covered area in its entirety, the agents needed to slow their vehicle down and peer over the edge of Gilman Road. In an attempt to do so, the agents slowed down, pulled over onto the east shoulder of Gilman Road, and shined a flashlight toward the area from which the campfire glow emanated. The agents' flashlight illuminated the rear of a parked vehicle, which agents observed to be a white sedan with a California license plate. Above the license plate, the agents observed a chrome-colored vehicle emblem. Due to the angle of their view and the time of night, the agents were unable to discern the license plate attached to the white sedan.

42. At the same moment the agents shined their flashlight onto the flat dirt-covered area below Gilman Road, an unidentified individual standing near the campfire shined a flashlight directly back at the agents. This obscured the agents' view of the flat dirt-covered area below Gilman Road, and caused the agents to proceed south along Gilman Road. The agents did not observe any other individuals or vehicles during their approximately twelve-mile round-trip drive of this remote stretch of Gilman Road.

43. Below is a photograph taken by law enforcement agents on June 23, 2020, looking east toward the Ellery Fire's ignition area (labeled as the "Origin Area"). The trail in the middle of the image leads downhill, approximately seventy-five feet, to the flat dirt-covered area where law enforcement agents observed the white sedan with a California license plate at approximately 2:20 a.m. on June 23, 2020, which matched the description of the Target Vehicle.



3. Target Vehicle Observed Driving Southbound on Gilman Road Approximately Three Hours Prior to Ignition of the Ellery Fire.

44. At 3:20 a.m. on June 23, 2020, Camera 3 captured the Target Vehicle driving southbound on Gilman Road.

45. Camera 2 did not capture any clear image of the Target Vehicle during this approximate timeframe, because Camera 2 was positioned to record images of vehicles driving northbound.

46. At 3:24 a.m., Camera 1 captured the Target Vehicle driving southbound on Gilman Road.

47. Camera 4 did not capture any images of the Target Vehicle driving northbound during this approximate timeframe. This is consistent with the Target Vehicle starting its southbound route during this approximate timeframe south of the point where Camera 4 was

installed and where the Ellery Fire ignited.

4. Second Vehicle Observed Driving Southbound, Later Excluded.

48. At approximately 3:35 a.m. on June 23, 2020, Camera 3 captured a second white sedan (not the Target Vehicle) driving southbound on Gilman Road. Camera 3 did not capture the license plate attached to this second vehicle because the vehicle's lamp above the license plate was not illuminated.

49. Camera 2 did not capture any clear image of the second vehicle during this approximate timeframe, because Camera 2 was positioned to record images of vehicles driving northbound.

50. At 3:39 a.m., Camera 1 captured this second vehicle driving southbound on Gilman Road. Camera 1 did not capture the license plate attached to this second vehicle because the vehicle's lamp above the license plate was not illuminated.

51. Based on my own knowledge gained through this investigation, I am familiar with many of the vehicles owned by residents who live in the geographic region served by this stretch of Gilman Road. After viewing the surveillance images of this second vehicle, I believed that its owner resided in an area served by Gilman Road approximately two miles north of Camera 4.

52. On June 23, 2020, investigators contacted and interviewed the owner of this second vehicle as he was driving home. The owner of the second vehicle told investigators that he would have passed by the stretch of Gilman Road covered by Camera 1 and Camera 3 at approximately 3:30 a.m. because he was driving to work at that time. During the interview of the owner of the second vehicle, I confirmed visually that the vehicle he was driving matched the image of the vehicle captured on Camera 3 at 3:35 a.m. and on Camera 1 at 3:39 a.m.

53. Based on my training and experience regarding how wildland fires operate, as well as on the interview of the driver of the second vehicle, I concluded that this individual could not have ignited the Ellery Fire. Had this individual ignited the Ellery Fire at the approximate time the surveillance cameras captured his vehicle, more acreage of National Forest land would have burned. Additionally, other witnesses who passed by the ignition site of the Ellery Fire after 3:30 a.m. on June 23, 2020, would have seen smoke and fire that they did not see.

5. Target Vehicle Observed Driving Northbound Approximately Two Hours Prior to Ignition of Ellery Fire.

54. At 4:06 a.m. on June 23, 2020, Camera 1 captured the Target Vehicle driving northbound on Gilman Road.

55. At 4:10 a.m., Camera 2 captured the Target Vehicle driving northbound on Gilman Road.

56. Camera 3 did not capture any clear image of the Target Vehicle during this approximate timeframe, because Camera 3 was positioned to record images of vehicles driving southbound.

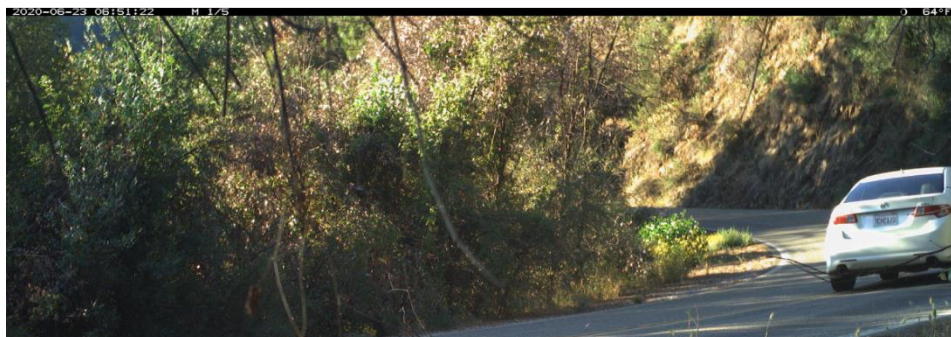
57. Camera 4 also did not capture any images of the Target Vehicle driving northbound during this approximate timeframe, even though Camera 4 was positioned to record images of vehicles driving northbound. This is consistent with the Target Vehicle stopping its northbound route before reaching Camera 4, which was positioned on Gilman Road just north of the Ellery Fire ignition site.

6. Target Vehicle Observed Driving Southbound on Gilman Road Shortly Following Ignition of Ellery Fire.

58. At 6:47 a.m. on June 23, 2020, Camera 3 captured an image of the Target Vehicle driving southbound on Gilman Road.

59. Camera 2 did not capture any clear image of the Target Vehicle during this timeframe, because Camera 2 was positioned to record images of vehicles driving northbound.

60. At 6:51 a.m., Camera 1 captured the Target Vehicle driving southbound on Gilman Road. Below is a reproduction of the image captured by Camera 1 at this time, displaying the Target Vehicle's license plate:



61. Below is an enhanced (i.e., zoomed-in) reproduction of the license plate on the Target Vehicle from the surveillance image captured by Camera 1:



62. Camera 4 did not capture any images of the Target Vehicle driving northbound during this approximate timeframe. This is consistent with the Target Vehicle starting its southbound route during this approximate timeframe south of the location where Camera 4 was installed, and where the Ellery Fire ignited.

63. These surveillance images showing the Target Vehicle exiting the area where the Ellery Fire ignited prior to 7:00 a.m. on June 23, 2020, are consistent with the occupant or occupants of the Target Vehicle being responsible for igniting the Ellery Fire. This is because the surveillance cameras did not capture any other vehicles driving northbound or southbound on this stretch of Gilman Road during the time when the Ellery Fire ignited.

64. Furthermore, at no point during the early morning hours of June 23, 2020, did any surveillance camera capture the Target Vehicle driving farther north than Camera 4's location approximately seventy yards above the site where the Ellery Fire ignited.

65. Based on my experience working in remote areas of National Forest lands for ten years, I know the actions of the Target Vehicle on June 23, 2020, to be more than suspicious behavior. Indeed, I have reviewed thousands of surveillance images from the surveillance cameras installed along Gilman Road over the course of several weeks, and the Target Vehicle is the only vehicle I observed driving in such a back-and-forth manner during the middle of the night.

66. In my experience, this remote stretch of Gilman Road experiences only one or two vehicles traveling down it during a night, and some nights, no vehicles at all drive down this stretch of Gilman Road. The driving pattern of the Target Vehicle in the early morning hours of

June 23, 2020, is therefore consistent with the occupant or occupants of the Target Vehicle casing Gilman Road to check for people in the area who might witness their presence.

67. Following the Ellery Fire, I interviewed at least three witnesses who were in the fire's vicinity as it spread. Based on what the interviewees told me as well as on my training and experience and the facts I know regarding the fire's genesis, I concluded that none of the interviewees could have started the fire.

7. Interview of Witness Commuting to Work.

68. At approximately 6:30 a.m. on June 23, 2020, an individual drove northbound past the site where the Ellery Fire began. I interviewed this individual ("Witness 1") on June 25, 2020. Witness 1 told me that he is a logger by trade who was driving northbound on Gilman Road to his work site off Gilman Road at approximately 6:30 a.m. on June 23, 2020. Witness 1 did not see any fire or smoke as he passed the location where the Ellery Fire began.

69. Had the Ellery Fire been set before 6:30 a.m. on June 23—the time that Witness 1 passed the fire's origin site—I believe Witness 1 would have seen the fire or smoke from the fire because the origin site is within the view of passing motorists on Gilman Road. This fact pattern is consistent with the Ellery Fire igniting after Witness 1 passed the ignition site at approximately 6:30 a.m.

70. Witness 1 did not see any vehicles near the Ellery Fire's origin site or in the flat dirt-covered area where law enforcement officers saw a white sedan with a chrome emblem earlier in the morning of June 23, 2020. However, I know that Witness 1 would not have been able to see the flat dirt-covered area below Gilman Road through Witness 1's passenger-side window as he drove northbound. This is because the undercover law enforcement officers who observed a white sedan in the area earlier that morning were only able to see the flat dirt-covered area because they slowly veered on to the east shoulder of the road to peer over its edge. Due to the topography of this section of Gilman Road, there is simply no way to look over the east side of Gilman Road while traveling northbound without slowing one's vehicle, which Witness 1 did not do on the morning of June 23, 2020.

71. I believe Witness 1 is a credible source of information because he is the same

individual who alerted authorities to a previous arson fire on June 4, 2020. On that morning, Witness 1 was driving north on Gilman Road toward his work site when he noticed a roadside fire, contacted emergency services, and proceeded to stop the fire's spread by digging a "fire-line" perimeter himself. Witness 1 suppressed this fire for over one hour until firefighters arrived.

8. Interviews of Campground Witnesses.

72. During the morning hours of June 23, 2020, I interviewed several individuals who were camping together at a campground located approximately one-and-a-half miles south of the ignition site of the Ellery Fire. These witnesses told me that they noticed smoke rising toward the sky at about 7:45 a.m. on June 23, 2020.

73. The witnesses informed me that shortly after they noticed smoke around 7:45 a.m. on June 23, 2020, they decided to investigate the smoke and drove their vehicle northbound on Gilman Road. Surveillance images show their vehicle was the first vehicle to drive to the site of the Ellery Fire after the Target Vehicle had departed over one hour earlier. At that point, the fire had spread along the forest floor and into the surrounding vegetation, creating enough smoke to be visible from approximately over a mile away by this group of campers.

74. During my interview of these witnesses, I observed the same vehicle at their campsite that I had seen on surveillance images from earlier that day. This is consistent with these witnesses' account of the events of the morning of June 23, 2020.

B. SMITH Identified From Evidence Generated by Vehicle Tracking Device.

1. Vehicle Tracking Device Background.

75. I reviewed the registration records for the Target Vehicle maintained by the California Department of Motor Vehicles. The registration record indicates that California license plate 7CHC120 is assigned to a 2010 Acura sedan. This is consistent with images of the Target Vehicle captured on surveillance images captured on June 23, 2020. The Target Vehicle's registration record further indicates that it is registered to Brady Padgett at 1783 Almaden Drive, Redding, California 96001.

76. On July 2, 2020, U.S. Magistrate Judge Dennis M. Cota issued a warrant

authorizing law enforcement agents to install a tracking device on the Target Vehicle. The warrant authorized law enforcement agents to use the tracking device to monitor the location of the Target Vehicle for a period of no more than forty-five days.

77. The tracking device used by agents during the course of the authorized tracking period is a government-issued vehicle tracking device designed to transmit location updates of the device on a real-time or nearly real-time basis via cellular towers to a cellular phone application utilized by law enforcement. I have utilized this same make and model of tracking device during the course of several previous investigations and I know it to be an accurate and reliable method of tracking a vehicle's location. Agents authorized to download this cellular phone application to their mobile devices could use it to learn the Target Vehicle's location at any given time.

78. Generally, the tracking device used Global Positioning System technology ("GPS") to transmit information to law enforcement concerning the Target Vehicle's movements, stops, and speed of travel. During times when the Target Vehicle was outside the range of a cellular tower, the tracking device would not communicate location updates to its associated cellular phone application. However, once the tracking device returned to an area with sufficient cellular service, the tracking device's GPS function would activate and upload stored data to the associated cellular phone application.

2. Vehicle Tracking Device Installation.

79. Between June 23, 2020, and July 1, 2020, agents were unable to locate the Target Vehicle. During this timeframe, agents did not observe the Target Vehicle arrive at, depart from, or parked at its registered address in Redding.

80. During the nighttime hours of July 2, 2020, agents observed the Target Vehicle driving on Gilman Road. For the next several hours, agents followed the Target Vehicle as it navigated areas of the Shasta-Trinity National Forest on the south side of Shasta Lake.

81. While agents followed the Target Vehicle during this time, they observed the Target Vehicle engage in driving patterns consistent with counter-surveillance measures. Specifically, the operator of the Target Vehicle fluctuated its speed, parked along rural roads,

drove through residential areas and then returned onto the main roadway, and drove down dead-end roads. Agents eventually lost sight of the Target Vehicle as it drove down rural county roads to an area known as Cottonwood, California.

82. During the evening of July 3, 2020, agents again located the Target Vehicle as it travelled north from the general area of Cottonwood, California, which is located in Shasta County, California. There was a single occupant in the Target Vehicle, an individual later determined to be SMITH. Agents followed the Target Vehicle for nearly one hour at varying degrees of distance. Agents eventually encountered the Target Vehicle parked alongside California State Highway 299 at mile marker 43.5. The Target Vehicle was parked on a wide dirt shoulder of the highway that is wide enough for vehicles to utilize for parking, and is situated several hundred feet above a creek.

83. After recognizing the location to be a public place, I parked alongside the Target Vehicle and observed the Target Vehicle to be unoccupied. I then looked below the highway and observed the individual later identified as SMITH hiking uphill toward the Target Vehicle. Before SMITH could return to the Target Vehicle, a fellow law enforcement agent affixed a tracking device to the Target Vehicle. The individual later identified as SMITH then got into the Target Vehicle and drove away in the Target Vehicle.

3. Identification of SMITH as Operator of the Target Vehicle.

84. During this brief encounter, agents photographed the individual who I observed hiking back to the Target Vehicle below State Highway 99 and who eventually drove the Target Vehicle away. A reproduction of a photograph of the operator of the Target Vehicle is below.



85. Throughout the night of July 3, 2020, the Target Vehicle parked at 867 Rincon Way in Redding, California (the “Rincon residence”). A search of publicly available databases revealed that SMITH resides at this address. Furthermore, throughout this investigation, agents observed SMITH entering and exiting the Rincon residence, and driving to and from the Rincon residence in the Target Vehicle, in a manner consistent with SMITH residing at the Rincon residence.

86. In the course of this investigation, I reviewed an image maintained by the California Department of Motor Vehicles that is associated with a California driver license in the name of “Eric Smith.” This image is below.



87. Based on a comparison between the California driver license image associated with Eric Smith, the photograph of the Target Vehicle's operator taken at the time of the installation of the vehicle tracking device, and my own personal observations of the appearance of the Target Vehicle's operator at the time of the vehicle tracking device's installation, I concluded that SMITH was the operator of the Target Vehicle on July 3, 2020.

88. Upon identifying SMITH as the driver of the Target Vehicle, CAL FIRE officers advised that SMITH is a "person of interest" in a separate wildland arson investigation from 2019. On August 22, 2019, SMITH reported the existence of a wildland fire to authorities. CAL FIRE investigated and determined that the fire reported by SMITH was caused by arson along a rural stretch of road south of Shasta Lake, approximately one mile from the Shasta-Trinity National Forest. This fire destroyed numerous structures and approximately 600 acres of privately owned land. CAL FIRE officers interviewed SMITH at his Rincon residence following this fire and found SMITH's statements to them to be factually inconsistent. Specifically, SMITH described particular vehicles to the CAL FIRE investigators which he told them he believed may have been responsible for the fire. CAL FIRE investigators, however, reviewed video footage obtained from numerous privately owned surveillance cameras in the area, and determined that none of the vehicles described by SMITH had been in the area of the fire.

C. Law Enforcement Observation of SMITH's Movements.

89. Over the next several weeks in July and on a nearly twenty-four hours-per-day basis, a task force comprised of law enforcement agents from the USFS and CAL FIRE monitored the location of the Target Vehicle and the activities of SMITH. During this period,

task force officers observed SMITH to be in control of the Target Vehicle nearly every day. Agents periodically observed a second individual in the Target Vehicle with SMITH. However, no arson-related fires occurred during instances when this second individual was observed in the Target Vehicle with SMITH.

90. Between July 3 and July 26, 2020, on a nearly daily basis, SMITH drove the Target Vehicle through rural areas throughout Shasta County and Tehama County. SMITH stopped frequently during these drives, which could last hours at a time. Generally, whenever SMITH departed a location where he previously stopped the Target Vehicle, task force agents promptly investigated the area for signs of fire. To do this, agents followed the Target Vehicle and utilized data from the vehicle tracking device, data which showed where the Target Vehicle moved and where it stopped.

91. Between July 3 and July 26, 2020, task force agents documented three arson fires and seven abandoned campfires in areas where SMITH and the Target Vehicle had stopped and subsequently departed. The three arson fires were set on land owned by the United States within the boundaries of the Shasta-Trinity National Forest. Five of the seven abandoned campfires were also set on land owned by the United States within the boundaries of the Shasta-Trinity National Forest. Two of the seven abandoned campfires were set on lands owned by the State of California.

1. Evidence That SMITH Ignited the Bay Fire on July 21, 2020.

92. On July 21, 2020, at approximately 1:07 a.m., tracking data showed the Target Vehicle depart from the Rincon residence. Due to darkness, agents were unable to see who was inside the Target Vehicle, however, up until that day agents observed SMITH to be in control of the Target Vehicle every day. From the Rincon residence, the Target Vehicle drove north to Gilman Road, then to Hirz Bay Road, and then parked near the edge of Shasta Lake. The Target Vehicle remained next to the lake until 5:20 a.m., at which time the Target Vehicle then returned to Interstate 5 and drove south on Interstate 5 toward Turntable Bay Road.

93. On July 21, 2020, at 5:45 a.m., tracking data showed the Target Vehicle exit off of Interstate 5 and on to Turntable Bay Road. Turntable Bay Road is an approximately mile-

long dirt road that generally parallels Interstate 5 on the north side of Shasta Lake within the Shasta-Trinity National Forest. It is situated on a sloping area of ground between Interstate 5 and the shoreline of Shasta Lake and is separated from the interstate by trees and vegetation. As a result, Turntable Bay Road is mostly concealed from motorists travelling along Interstate 5.

94. The Target Vehicle travelled to the end of Turntable Bay Road, where it parked until approximately 7:22 a.m. At this point, the Target Vehicle drove back toward Interstate 5. At 7:24 a.m., the Target Vehicle stopped along Turntable Bay Road and remained stopped for approximately one minute. At 7:25 a.m., the Target Vehicle began moving again toward Interstate 5. By 7:28 a.m., the Target Vehicle was travelling northbound on Interstate 5.

95. Within a few minutes, CAL FIRE Officer Tom Kluge began driving north on Interstate 5 toward the area where the Target Vehicle had momentarily stopped moments before. Officer Kluge observed smoke rising from an area below Interstate 5, specifically, an area along Turntable Bay Road where the Target Vehicle had previously stopped for approximately one minute. Officer Kluge continued following the Target Vehicle as the Target Vehicle drove northbound on Interstate 5.

96. At around this same time, CAL FIRE Officer Lance Berry began driving toward the area where Officer Kluge observed smoke along Interstate 5. In the course of his drive, Officer Berry passed two campsites along Turntable Bay Road, both of which were located approximately 300 yards south of the area where Officer Kluge observed smoke. At or around 7:38 a.m., Officer Berry arrived at the scene of a wildland fire (named the "Bay Fire") which had been set on the uphill side of Turntable Bay Road, and which was beginning to burn uphill toward Interstate 5. Officer Berry did not see any people or vehicles along the remaining portion of Turntable Bay Road to the point where Turntable Bay Road terminates.

97. On July 21, 2020, at approximately 12:00 p.m., I interviewed people at the two campsites Officer Berry drove past on his way to the Bay Fire that morning. The first campsite ("Campsite 1") was occupied by a man ("Witness 1") who told me that he had not seen any vehicles that morning driving to or from the direction of the Bay Fire. Witness 1 further explained to me that he had driven into Redding at 6:30 a.m. that morning and had just recently

returned to his campsite. Witness 1 was unaware that firefighters had suppressed the Bay Fire further north along Turntable Bay Road. Following this interview, I determined that Witness 1 was not present in the area when the Bay Fire was ignited, nor was Witness 1 present when the Target Vehicle travelled past Campsite 1.

98. The second campsite (“Campsite 2”) was occupied by an elderly couple (“Witness 2” and “Witness 3”) who were staying in a camp trailer. I conducted separate interviews with Witness 2 and Witness 3. Witness 2 told me that he and Witness 3 spent the morning inside the camp trailer, and that neither of them realized there was a fire until firefighters arrived in the area to suppress the Bay Fire. Witness 2 told me he had not noticed any vehicles travelling to or from the direction of the Bay Fire that morning. Witness 3 provided a similar account: Witness 3 did not notice any vehicles on the morning of July 21 until firefighters were present.

99. Tracking data revealed that after the Target Vehicle left Turntable Bay Road and began traveling northbound on Interstate 5 at 7:28 a.m., it passed directly above the site of the Bay Fire and then continued for approximately three miles. The Target Vehicle then exited Interstate 5 onto O’Brien Inlet Road, where it stopped in a concealed dirt parking area off O’Brien Inlet Road. I know that there are no residences, businesses, or other structures near this parking area off O’Brien Inlet Road where the Target Vehicle momentarily stopped following ignition of the Bay Fire. After pausing in this location for approximately two minutes, the Target Vehicle backtracked its route by driving south on Interstate 5 back toward the site of the Bay Fire. The Target Vehicle continued past the Bay Fire and past the Turntable Bay Road exit.

100. Based on my training and experience and knowledge obtained from other agents, I know the Target Vehicle’s driving pattern following ignition of the Bay Fire to be consistent with counter-surveillance techniques used by arsonists to evade detection. I also know that arsonists frequently derive pleasure and satisfaction from observing fires they set and the ensuing response to those fires. The Target Vehicle’s driving pattern on July 21 is consistent with this pattern of behavior frequently exhibited by arsonists.

101. The Target Vehicle continued driving southbound on Interstate 5 for

approximately three more miles. The Target Vehicle then exited Interstate 5 and parked along a frontage road, out of sight from Interstate 5. At 7:48 a.m., Officer Kluge observed the Target Vehicle parked at this site along the frontage road. Officer Kluge also observed SMITH squatting next to the Target Vehicle, changing one of the Target Vehicle's tires. Officer Kluge further observed that there were no other individuals with SMITH inside or outside the Target Vehicle; SMITH was alone.

102. Tracking data reveals that after he was observed changing the Target Vehicle's tire, SMITH drove the Target Vehicle home to the Rincon residence.

2. Aftermath of the Bay Fire.

103. Numerous motorists on Interstate 5, including Officer Kluge, reported the Bay Fire to first responders as it was advancing uphill toward Interstate 5. Emergency services were forced to close down a portion of Interstate 5 while firefighters battled the advancing blaze. Firefighters were able to stop the fire prior to it spreading into and across Interstate 5.

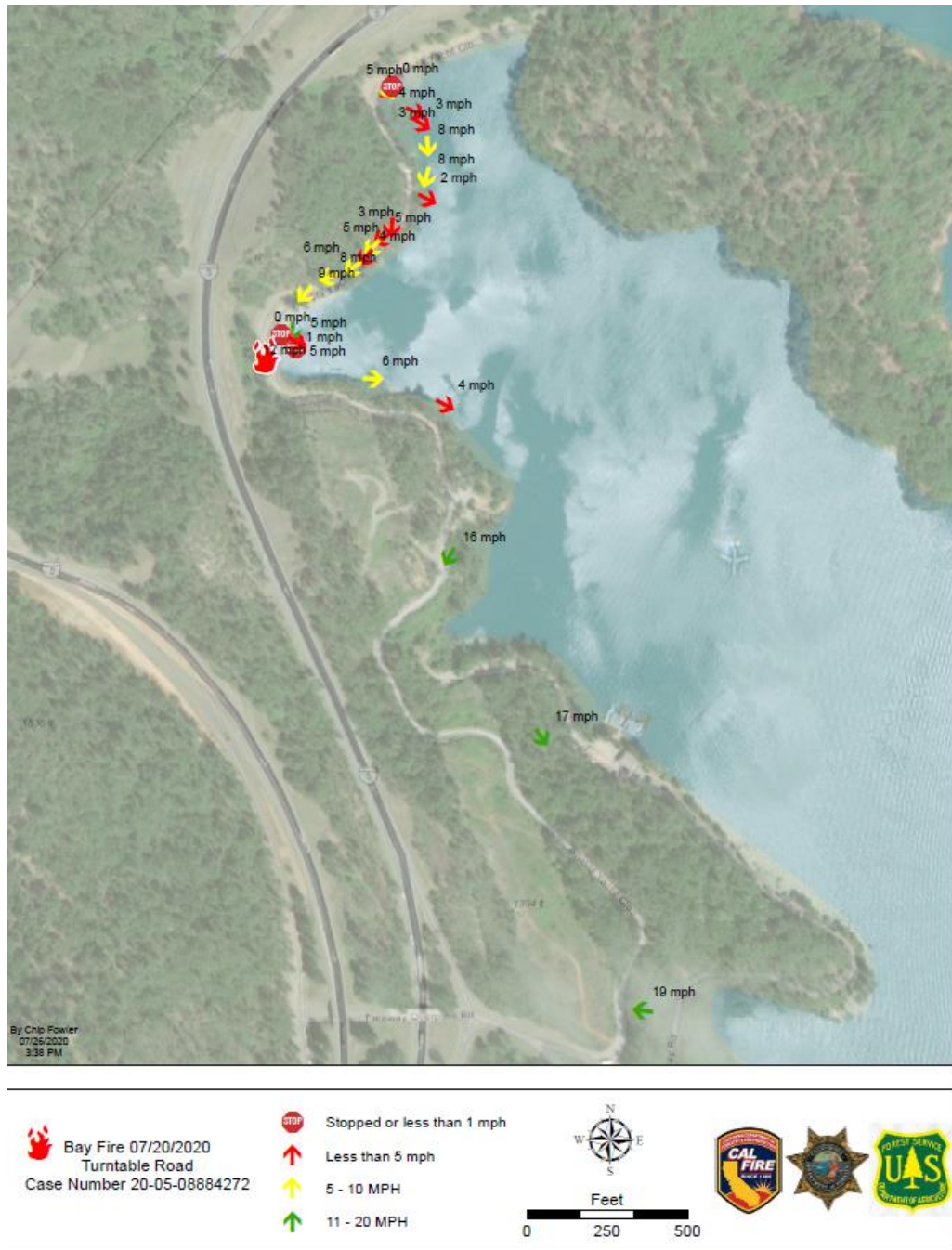
104. Fire suppression efforts also stopped the fire from spreading into two occupied campsites approximately 300 yards away and the USFS Turntable Bay marine facility located approximately 500 yards away. While firefighters were suppressing the fire, the Incident Commander advised me that if suppression crews had not stopped the fire from advancing across Interstate 5, then the fire would likely have burned a significant number of residences that were located further uphill.

105. The Bay Fire damaged under one acre of vegetated land owned by the United States in the Shasta-Trinity National Forest. Investigators located and examined the origin of the Bay Fire, and after considering the nine causal categories of fire, determined the fire had been an act of arson. The origin was located on the uphill side of Turntable Bay Road, within a few feet of the roadway's edge where grass and brush had been present prior to being consumed by fire. Investigators, after carefully examining the origin area, did not find any source of ignition left behind, which is consistent with the fire being caused by arson.

106. Tracking data demonstrates that the Target Vehicle stopped along Turntable Bay Road between 7:24 and 7:25 a.m. for approximately one minute next to the location where the

Bay Fire's origin was subsequently located by fire investigators. After reviewing all of the facts, agents' observations, fire investigators' examination, the Target Vehicle's movements, and all other evidence, law enforcement agents concluded that SMITH ignited the Bay Fire when he briefly parked along Turntable Bay Road and set the roadside vegetation on fire with an unknown device.

107. CAL FIRE Battalion Chief Chip Fowler, using tracking device data regarding the Target Vehicle and the location of the Bay Fire, produced a map of the area where the Bay Fire burned. The map illustrates the Target Vehicle's direction of travel, speed, and stops made on July 21, 2020, in addition to the Bay Fire's location. This map is reproduced below and depicts the manner in which the Target Vehicle slowly approached the eventual ignition site of the Bay Fire, stopped momentarily, and then accelerated away from the ignition site of the Bay Fire after it was lit. Based on my training and experience, the Target Vehicle's driving pattern as depicted on the map is consistent with SMITH scoping the approach area leading to the Bay Fire and then accelerating away from the site after setting the fire.



3. Evidence That SMITH Ignited the Jones Valley Fire on July 23, 2020.

108. On July 23, 2020, at approximately 6:00 a.m., agents observed the Target Vehicle parked along a southern portion of Shasta Lake in the vicinity of the Jones Valley public boat ramp. This public boat ramp is located on land owned by the United States within the Shasta-Trinity National Forest. Agents observed SMITH alone and actively adding wood and trash to a nearby burning campfire. Agents did not see any other people in this area. The area was out-of-

view from people at the boat ramp and from a parking lot where people are traditionally present.

109. In this same area, at approximately 6:33 a.m., agents observed SMITH begin to drive away in the Target Vehicle without making any attempt to extinguish his campfire. Agents then watched SMITH drive a short distance and stop next to a large tree trunk that was laying on the ground. Agents observed SMITH step out of the vehicle and crouch next to the large tree trunk. A few minutes later, SMITH drove away from the tree trunk.

110. After SMITH departed, agents inspected the area where SMITH had recently departed. It was then that agents realized that SMITH had not only left without extinguishing his campfire, but had also set fire to the large tree trunk. Agents had not seen what SMITH used to set the fires and did not find any sources of ignition left behind in the area. Below are photographs of the burning tree trunk and the abandoned campfire taken by investigating agents:



111. Due to the uncontained and abandoned fires, a fire engine responded and extinguished the fires in order to prevent winds from spreading hot embers capable of igniting any adjacent materials. Fire investigators conducted an origin and cause investigation of the Jones Valley Fire—the tree trunk which SMITH ignited. After considering the nine causal categories of wildland fires and the observations made by agents, the Jones Valley Fire was determined to be arson.

112. Based on their observations of his movements, agents determined that SMITH, ignited the large log on fire before departing the area. The actions of agents and firefighters prevented the large log from becoming engulfed in flames and potentially spreading hot embers

to adjacent forested lands.

113. Following ignition of the Jones Valley Fire, agents followed SMITH as he drove the Target Vehicle. At or around 8:34 a.m., SMITH and the Target Vehicle returned to the Rincon residence.

4. Evidence That SMITH Ignited the Hirz Fire on July 25, 2020.

114. On July 25, 2020, at approximately 6:00 a.m., agents observed SMITH fishing along the bank of Shasta Lake near Hirz Bay Road. SMITH was alone with the Target Vehicle parked nearby. At 6:40 a.m., agents observed SMITH leave the fishing area and travel along Hirz Bay Road in the Target Vehicle. Tracking data shows the Target Vehicle traveled along Hirz Bay Road and then turned south on Gilman Road.

115. At approximately 7:04 a.m., the Target Vehicle stopped and parked along the shoulder of Gilman Road. Although data from the vehicle tracking device shows that the Target Vehicle stopped, it does not reveal how long the Target Vehicle had stopped. After reviewing the available vehicle tracking data, I believe that the Target Vehicle stopped at 7:04 a.m. and may have remained parked until approximately 7:16 a.m. I believe this to be the case because agents observed the Target Vehicle emerge from Gilman Road at Interstate 5 at 7:33 a.m., and vehicle tracker data revealed that earlier that morning SMITH took seventeen minutes to make the same trip along the same route. I am also familiar with Gilman Road and know seventeen minutes to be a reasonable amount of time to drive between the point where agents observed SMITH fishing near the parked Target Vehicle and the point where Gilman Road meets Interstate 5.

116. After SMITH departed his parking location along the shoulder of Gilman Road, agents discovered a wildland fire, as further discussed below. At 7:45 a.m., agents observed the driver of the Target Vehicle to be SMITH shortly before SMITH departed southbound along Interstate 5.

117. While agents investigated areas where SMITH had recently driven and areas where SMITH stopped, at 7:53 a.m., a concerned resident off Gilman Road contacted emergency services at 7:53 a.m. to report a column of rising smoke in the direction where SMITH had been

recently parked. At approximately 8:20 a.m., agents arrived on scene of the fire, later named the “Hirz Fire.”

118. A photograph taken at 8:26 a.m. by the first agent on scene of the Hirz Fire shows a portion of the fire, as depicted below:



5. Aftermath of the Hirz Fire.

119. The Hirz Fire damaged under one acre of vegetated land owned by the United States in the Shasta-Trinity National Forest. Investigators located and examined the origin of the Hirz Fire, and after considering the nine causal categories of fire, determined the fire had been an act of arson. The origin was located approximately between seventy and ninety feet directly downhill of the parking area where SMITH had stopped at 7:04 a.m. In order to set the wildland arson fire, investigators determined that the arsonist would have had to walk downhill through the vegetated area concealing the origin site from Gilman Road. Investigators observed shoe-sized impressions along the forest floor between the origin site and the parking area where SMITH stopped the Target Vehicle. Investigators estimated the ignition time of the Hirz Fire to be consistent with the time that the Target Vehicle was parked along Gilman Road.

120. Agents observed the Target Vehicle at 7:33 a.m. near Interstate 5. Agents

followed the Target Vehicle and shortly after 8:00 a.m., they again visually confirmed that SMITH was the sole occupant of the Target Vehicle. At or around 8:08 a.m., SMITH and the Target Vehicle arrived at the Rincon residence.

121. Agents observed SMITH to be the sole occupant of the Target Vehicle before and after the ignition of the Hirz Fire. After reviewing the evidence, tracking data, and investigative reports associated with the Hirz Fire, I believe that SMITH stopped along Gilman Road and set the fire with an unknown ignition source in a concealed location below Gilman Road.

6. Abandoned Campfire on July 7, 2020.

122. On July 7, 2020, agents observed SMITH and the Target Vehicle parked along Silverthorn Road, on the south side of Shasta Lake. After staying in this location for several hours, SMITH departed in the Target Vehicle.

123. Agents proceeded to investigate the location where SMITH and the Target Vehicle had remained stationary and smelled smoke. Agents did not observe any other individuals in the area. Agents walked downhill and encountered an abandoned campfire. The abandoned campfire was burning on land owned by the United States in the Shasta-Trinity National Forest. A fire engine responded to extinguish SMITH's abandoned campfire in order to prevent its spread to adjacent vegetation.

7. Abandoned Campfire on July 11, 2020.

124. On July 11, 2020, agents observed SMITH in the Target Vehicle shortly before it stopped along a northern shoreline of Shasta Lake. Approximately two hours later, the Target Vehicle departed. Shortly after the Target Vehicle departed, agents located a burning campfire in the same general area where the Target Vehicle had parked, which was on lands owned by the United States in the Shasta-Trinity National Forest. Agents also observed shoe impressions in the soil around the campfire that were consistent with shoes agents had previously observed SMITH wearing. Specifically, throughout this investigation, agents observed SMITH regularly wearing a dark colored low-profile style shoe that leaves behind a waffle-style pattern with a squared logo.

125. On this particular occasion, agents observed a female with SMITH. Agents

extinguished SMITH's abandoned campfire in order to prevent its spread to the adjacent vegetation.

8. Abandoned Campfire on July 20, 2020.

126. On July 20, 2020, agents observed SMITH walking along a northern shoreline of Shasta Lake, more specifically in the Hirz Bay area. A short time later, agents observed SMITH depart the Shasta Lake area in the Target Vehicle.

127. Agents proceeded to investigate the location where SMITH was observed prior to his departure. Agents located an abandoned campfire, still smoldering with wood and trash in it. Agents also observed SMITH's shoe impressions in the nearby soil.

128. Agents extinguished SMITH's abandoned campfire in order to prevent its spread to the adjacent vegetation, lands owned by the United States.

9. Abandoned Campfire on July 25, 2020.

129. On July 25, 2020, agents observed SMITH driving the Target Vehicle from a forested area on the north side of Shasta Lake, which is land owned by the United States within the Shasta-Trinity National Forest. SMITH was the sole occupant in the Target Vehicle.

130. Agents proceeded to investigate the location from which SMITH had just departed. Agents smelled smoke in the air and discovered a smoldering campfire full of red-hot coals. Within the fire, agents observed the remnants of melted battery jumper cables. Agents also observed SMITH's shoe impressions in the nearby soil around the campfire. Agents extinguished SMITH's abandoned campfire in order to prevent its spread to the adjacent vegetation, lands owned by the United States.

D. Facts Regarding SMITH's Cellular Phone.

131. Based on my observations and the observations of fellow law enforcement agents during this investigation, I know that SMITH uses and possesses at least one cellular phone. On several occasions during the tracking period, agents and I observed SMITH holding a flat-style cellular phone.

132. In 2019, SMITH reported a wildland fire from a phone associated with the number (530) 215-6826. CAL FIRE officers subsequently contacted SMITH using this phone

number to speak with him following his initial report of the wildland fire in 2019. The phone number of (530) 215-6826 is a number associated with Verizon Wireless and has been assigned to SMITH since 2016.

133. In July 2020, I applied for and received a court order that required Verizon Wireless to disclose particular records to the government, including information regarding the individual subscriber associated with the number (530) 215-6826. On July 13, 2020, Verizon Wireless disclosed responsive records to me. These records revealed that the current subscriber associated with the phone number of (530) 215-6826 is Eric Smith, with an address of 867 Rincon Way, Redding, California 96003. These records also revealed that this phone number was actively being used by Eric Smith.

VI. CONCLUSION

134. Based on the above facts, I submit that there is probable cause to believe that ERIC MICHAEL SMITH committed violations of 18 U.S.C. § 1855, which criminalizes willfully setting fire to any timber, underbrush, or grass upon lands owned by the United States; and 18 U.S.C. § 1856, which criminalizes the act of leaving fires unattended and unextinguished.

135. Based on the facts set forth in this Affidavit, I request that search warrants be issued for the person, premises, vehicle, and cellular phone described further in Attachments A-1 through A-3, for the evidence described in Attachment B.

136. Based on the same facts as set forth in this Affidavit, I also request that a criminal complaint and arrest warrant be issued for ERIC MICHAEL SMITH.

VII. SEALING REQUEST

137. I further request that the Court seal the warrants and this Affidavit and the application in support thereof, except that copies of the warrant in full or redacted form may be maintained by the United States Attorney's Office and may be served on Special Agents and other investigative and law enforcement officers of the USFS, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers, as necessary to effectuate the warrants.

138. These documents pertain to and discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation. Sealing these documents will also better ensure the safety of agents and others charged with executing the warrants.

Respectfully submitted,



TYLER BOLEN
Special Agent
U.S. Forest Service

Subscribed and sworn to before me telephonically on: July 29, 2020



DENNIS M. COTA
U. S. MAGISTRATE JUDGE

/s SAM STEFANKI

Approved as to form by AUSA SAM STEFANKI

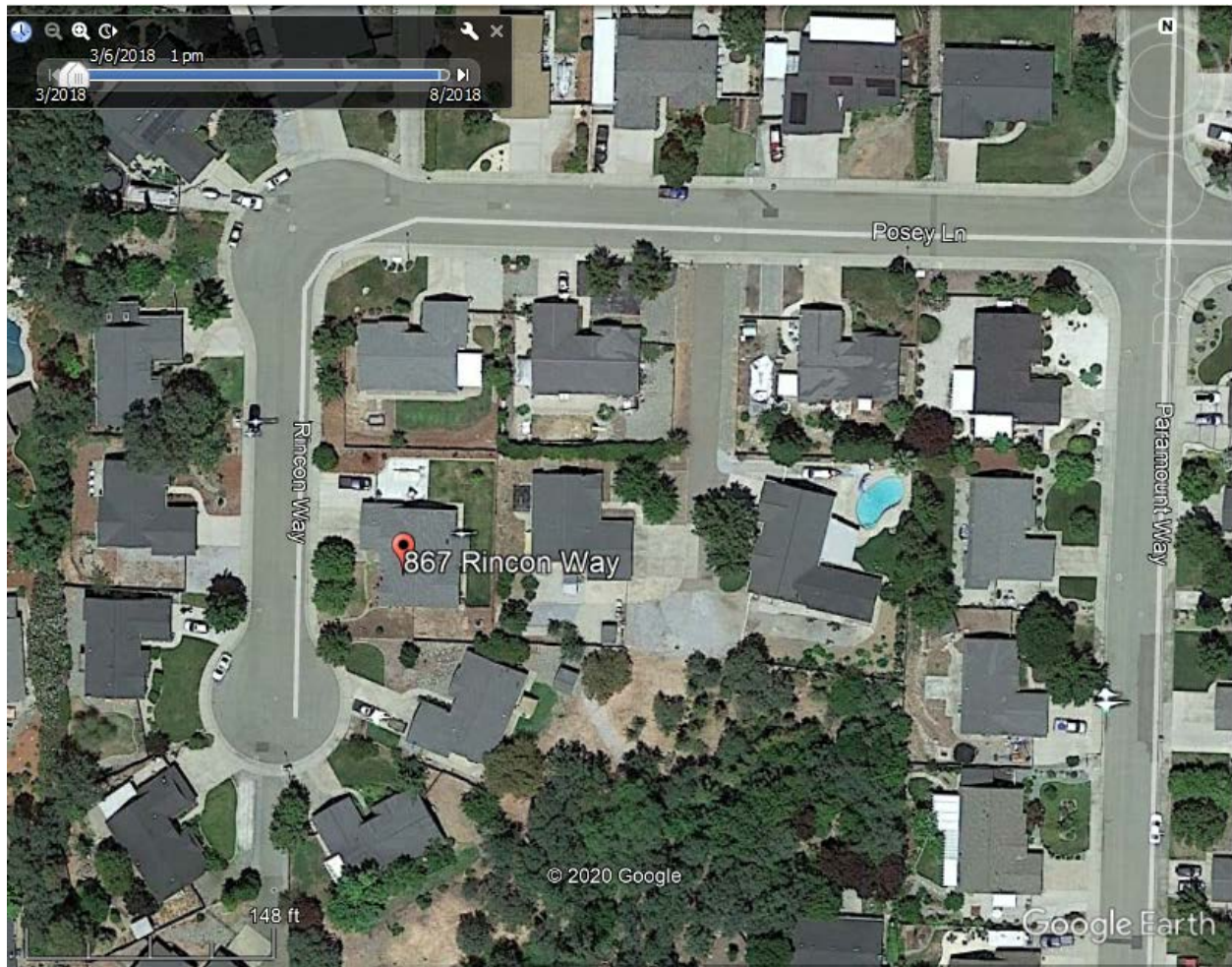
ATTACHMENT A-1

Property to Be Searched

The premises to be searched is located at 867 Rincon Way, Redding, California 96003. It is a cream-colored, one-story, single-family residential house located on the east side of Rincon Way. The address numbers are located just right of the white garage door. The photographs of the premises below were taken by agents on July 7, 2020.



Below is aerial imagery of the location of 867 Rincon Way, Redding, California 96003 as illustrated on Google Earth imagery:



The place to be searched includes the residence itself, all rooms, attics, basements, and storage areas; all trash receptacles; and all surrounding grounds, garages, storage rooms, or outbuildings of any kind, attached or unattached, located on the premises.

ATTACHMENT A-2

Property to Be Searched

The property to be searched is a white 2010 Acura sedan, bearing California license plate 7CHC120. The photograph below was taken by law enforcement on July 6, 2020.

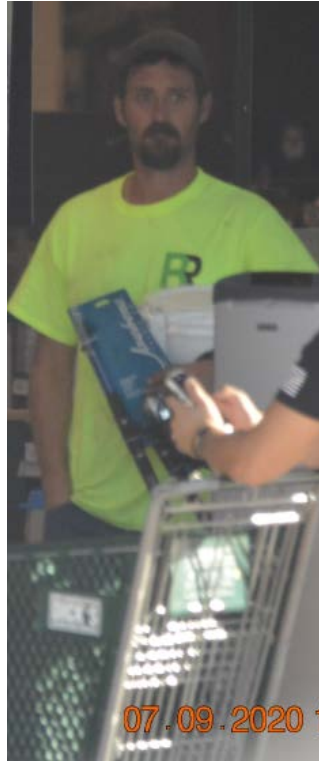


ATTACHMENT A-3

Person to Be Searched

The person to be searched is ERIC MICHAEL SMITH, with a date of birth of xx-xx-1981 and California driver license number B9495888.

The photograph of SMITH below was taken by law enforcement on July 9, 2020.



Attachment B

Items to Be Seized

Law enforcement agents are authorized to search and seize property that constitutes evidence, fruits, and instrumentalities of violations of the following federal statutes (the “Target Offenses”) believed to be committed by ERIC MICHAEL SMITH:

18 U.S.C. § 1855 — Willfully setting fire to any timber, underbrush, or grass upon lands owned by the United States;

18 U.S.C. § 1856 — Leaving fires left unattended and unextinguished on lands owned by or under the jurisdiction of the United States.

As further described in the Affidavit, the specific evidence, fruits, and instrumentalities of the Target Offenses for which agents may search includes:

1. Matches of any type, including but not limited to paper, wood, wind resistant, water resistant, kitchen, or any other general or special purpose matches, as well as match books of any and all brands; receipts for the purchase of cigarettes and cigarette lighters of any and all brands; incendiary devices, materials, or other items associated with or reasonably suspected to be possessed for the purpose of constructing or using incendiary devices or improving their use and effectiveness;
2. Vehicle carpet, seats, or other interior components exhibiting or containing evidence of burn holes or burn marks; personal clothing containing burn holes or burn marks;
3. Cameras, video cameras, digital or print photographs, video recordings, or electronic recordings, depictions, or descriptions of fires; digital or print photographs, video recordings, or electronic recordings, depictions, or descriptions of incendiary devices, construction of incendiary devices, arson, fire behavior, fire suppression, fire suppression equipment, and fire investigation; calendars, diaries, date books, books, manuals, video tapes, digital video discs (DVDs), CD-ROMs, computer internal or external hard drives, floppy diskettes, flash drives, thumb drives, or other electronic media capable of storing electronic data or images; personal electronic storage devices such as personal data assistants (PDAs), electronic calendars, cellular phones, or similar record-keeping materials;
4. Indicia of occupancy, residency, control, or ownership of the premises and things described in this warrant, including personal identification, bills, personal phone books, financial records and tax documents, receipts, check books, bank account documents, personal property marked with identification, address books, papers and documents containing lists of names, utility company receipts, correspondence, vehicle registration documents, keys, personal photographs, videos, and film;
5. Devices that could be used to conduct counter-surveillance against law enforcement, such as radio scanners, police radios, night vision and/or infrared thermal imaging equipment, surveillance cameras and monitors, anti-bugging devices or transmitters, and receipts or literature describing the same;
6. Shoes and/or any footwear that exhibit soles with a waffle-pattern style consistent with shoe impressions left behind near the scenes of multiple arson fires as described in the attached Affidavit of Special Agent Tyler Bolen; clothing items worn by or belonging to SMITH that exhibit indicia of fire-related activity such as ash, soot, and burn marks or smell of the same; and items of clothing that agents observed SMITH to be wearing on July 21, 2020, July 23, 2020, and July 25, 2020;
7. All documents and materials related to vehicles under the dominion or control of ERIC SMITH, including vehicle registration records, vehicle insurance records, vehicle bills of

- sale, vehicle transfer paperwork, ignition keys, vehicle and truck keys, and vehicle ownership certificates;
8. Documents related to fire, arson, arsonists, firefighting, fire departments, law enforcement departments, fire investigations, fire laws and regulations, incendiary devices, newspaper articles and media papers related to fires, and all documents related to the sale or purchase of such materials.