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AFFIDAVIT

Your affiant, Adam K. Zeithammel, being duly sworn, deposes and states the following:

1. Your affiant is a Special Agent (hereinafter "SA") with the Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter "ATF"), assigned to the Pensacola Field Office, and has served in that capacity since 2015. Prior to this employment, your affiant worked for the United States Air Force in a civilian capacity from 2013 to 2015 and served on active duty as an Air Force officer from 2007 to 2013.

2. Your affiant has participated in investigations of individuals who have violated state and federal laws, particularly those laws found in Titles 18 and 21 of the United States Code. As a SA with ATF, your affiant is charged with the investigation and enforcement of violations of federal arson and explosives laws. Your affiant has received training in federal arson and explosives laws and regulations at the ATF National Academy. Your affiant has participated in multiple investigations involving explosives and potential acts of arson. Your affiant has also had conversations with other experienced agents regarding federal arson and explosives laws, and the many different enforcement methods used to combat arson and explosive law violators.

3. The statements contained in this affidavit are based on your affiant's own investigation and/or were provided to your affiant by other law enforcement officers. Your affiant has set forth the facts that are believed to establish probable cause to believe that **William W. SIMS** (hereinafter "**SIMS**") has violated the following statute: Title 18, United States Code, Section 844(f)(1), which makes it unlawful for a person to destroy, by means of fire or an explosive, any vehicle or real property possessed by an agency of the United States, or any institution or organization receiving federal financial assistance. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, your affiant has not included

every fact known about this investigation, but rather, only those facts necessary to establish probable cause.

RELEVANT FACTS OF THE INVESTIGATION

4. On or about August 29, 2019, investigators assigned to the Okaloosa County Sheriff's Office (hereinafter "OCSO") Special Investigations Section and Special Agents with the Drug Enforcement Administration (hereinafter "DEA") executed a search warrant at XXX XXXXX Parkway, Fort Walton Beach, Florida, in furtherance of a narcotics investigation. During the execution of the search warrant, a silver 2012 Mercedes SUV, which was parked in the garage of the residence and is registered to T.S., was seized by DEA for forfeiture processing. The vehicle was towed to the OCSO secure evidence lot for storage, which is located at the OCSO main complex at 50 2nd Street, Shalimar, Florida. The OCSO secured the vehicle in its evidence lot, logged it into the evidence system, and planned to maintain possession of the vehicle pending DEA forfeiture processing. The evidence lot is secured by a locked gate and surrounded by a fence topped with barbed wire. Further, the locked gate to the evidence lot is only accessible from the secure parking lot at the OCSO main complex, which is also surrounded by a fence topped with barbed wire.

5. On or about September 2, 2019, at approximately 3:22 am, OCSO deputies and Ocean City Wright Fire Department (hereinafter "OCWFD") firefighters responded to a fire at 50 2nd Street, Shalimar, Florida, where the above-described 2012 Mercedes SUV was fully engulfed in flames within the OCSO secure evidence lot. The fire was extinguished; however, the vehicle was destroyed.

6. On or about September 2, 2019, OCSO investigators located a cut portion of barbed wire on top of the security fence bordering 3rd Street on the east side of the OCSO main complex

parking lot. Additionally, the investigators located a cut portion of barbed wire on top of an interior fence that surrounds a portion of the secure evidence lot where the 2012 Mercedes SUV was located. OCSO surveillance video depicts a black male, who matches the description of **SIMS**, cutting the barbed wire on the interior security fence, climbing over the fence, and entering the secure evidence lot at approximately 2:03 am on September 2, 2019. The video further depicts **SIMS** smash the driver's side window of the 2012 Mercedes SUV, enter the vehicle, retrieve a concealed item from inside the vehicle's driver seat area, then depart the OCSO property along the same route he entered. At approximately 3:12 am on September 2, 2019, the surveillance video depicts the same individual return to the OCSO property and re-enter the secure evidence lot. The video then depicts **SIMS** pouring an accelerant on (and inside) the 2012 Mercedes SUV, and setting it on fire at approximately 3:14 am; **SIMS** then immediately departed the OCSO property. On September 2, 2019, investigators swabbed the two areas of fence where the barbed wire was cut to collect any available DNA evidence. These swabs were submitted to the Florida Department of Law Enforcement (hereinafter "FDLE") for analysis.

7. On or about September 6, 2019, FDLE released a laboratory report stating that one of the DNA swabs submitted by OCSO matched a DNA profile in the Combined DNA Index System (hereinafter "CODIS"). Specifically, a swab collected from the interior security fence of the evidence lot matched the DNA profile in CODIS for "**William Sims**," "DOB: XX/XX/1996," "DOC Number: XXX044." Based upon all the information gathered in the OCSO investigation to this point, an arrest warrant was issued for **SIMS** for several violations of Florida law, including arson, burglary, and destroying evidence. **SIMS** is believed to be the nephew of T.S.

8. On or about September 9, 2019, **SIMS** was arrested in Escambia County, Florida, pursuant to the above described arrest warrant, and an Apple iPhone 6 was seized from him. On

or about September 10, 2019, OCSO investigators applied for, and obtained, a search warrant for his cell phone.

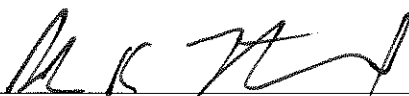
9. On or about September 11, 2019, OCSO digital forensic analysts successfully extracted available data from **SIMS's** cell phone pursuant to the above-described search warrant. Your affiant reviewed a copy of the extraction report for **SIMS's** cell phone on or about September 17, 2019, and noted significant items including, but not limited to:

- a. an internet Google search on **SIMS's** cell phone dated September 1, 2019, at 8:10 am for "shalimar police in pound"
- b. an internet Google search on **SIMS's** cell phone dated September 1, 2019, at 12:47 pm for "fence cuttes" and "wire cutters"
- c. an internet Google search on **SIMS's** cell phone dated September 2, 2019, at 1:02 am for "break car window with hammer"
- d. an iMessage sent from **SIMS's** phone on September 1, 2019, at 3:58 pm stating, "Fort Walton tryna hit this lick"
- e. an iMessage sent from **SIMS's** phone on September 1, 2019, at 4:25 pm stating, "My uncle put me on it"

10. Your affiant received a memorandum from the OCSO, which details federal funds the agency receives through approximately six grants including: FFY 2018 Local Byrne Grant, FFY 2019 Local Byrne Grant, FFY 2017 County Byrne Grant, FFY 2018 SHSGP Grant, FFY 2016 COPS Grant, and FFY 2018 Operation Stonegarden Grant.

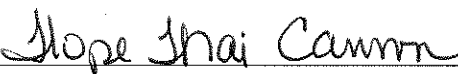
CONCLUSION

11. Based on the above stated facts and circumstances, your affiant respectfully submits there is probable cause to believe that **SIMS** has violated the following statute: Title 18, United States Code, Section 844(f)(1).



ADAM K. ZEITHAMMEL
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before me this 3rd day of October, 2019.



HOPE T. CANNON
United States Magistrate Judge