

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

United States of America

v.

JOSHUA BRERETON

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)
)

Case No.

1:22-MJ-336

Defendant(s)

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 31, 2022 in the county of Kalamazoo in the Western District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 844 (f)(1)

Arson of an Institution or Organization Receiving Federal Funding

This criminal complaint is based on these facts:

[X] Continued on the attached sheet.

The Court processed the complaint remotely. The Court verified the Affiant's identity (by AUSA confirmation and through Affiant self-identification). Affiant attested to the affidavit and complaint via telephone, which the AUSA transmitted by remote electronic means (e-mail). The Court signed the original complaint and transmitted a correct copy of same to the Applicant, via the AUSA, by remote electronic means (e-mail). The process complied with Rules 3 and 4.1.

Ryan Young

Complainant's signature

SA Ryan Young, ATF

Printed name and title

Date:

8/4/2022

Ray Kent

Judge's signature

City and state:

Grand Rapids, Michigan

Ray Kent, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT**

I, Ryan Young, being first duly sworn, hereby depose and state as follows:

BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). I am currently assigned to the Grand Rapids, Michigan, Field Office. I have been an ATF Special Agent since September 1, 2013. I have received formal training from the ATF National Academy, the National Fire Academy, the National Center for Explosives Training and Research, and the Federal Law Enforcement Training Center. As an ATF Special Agent, I have participated in numerous investigations into violations of Federal and State firearms, arson, explosive, and tobacco trafficking laws. These investigations have resulted in the arrest and conviction of criminal defendants on both State and Federal firearms, arson, and explosive charges.

2. In addition to my duties as a criminal investigator, I am also an ATF Certified Fire Investigator Candidate (“CFIC”). As an ATF CFIC, I am tasked with providing expert opinions as to the origin and cause of fires and explosions. I am currently earning the ATF CFI certification by completing a two-year training program that centers on various fire science topics, including, but not limited to: chemistry, fire dynamics, and building construction. The two-year ATF CFI certification program consists of graduate level college courses, written exams, research papers, reading assignments, practical training exercises, and test burns of various materials. To date, I have participated in over 90 fire scene examinations and

have conducted and/or observed numerous live fire training exercises where training fires were ignited and fire growth and development was documented.

3. This affidavit is submitted in support of a criminal complaint alleging that Joshua BRERETON has violated Title 18, United States Code, Section 844 (f)(1) (Arson of an Institution or Organization Receiving Federal Funding). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging BRERETON, in violation of Title 18, United States Code, Section 844, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

4. This affidavit is based upon my personal involvement in this investigation, my training and experience, my review of relevant evidence, and information supplied to me by other law enforcement officers. It does not include each and every fact known to me about the investigation, but rather only those facts that I believe are sufficient to establish the requisite probable cause.

FACTS AND CIRCUMSTANCES SUPPORTING PROBABLE CAUSE

5. On July 31, 2022, investigators received a report of a structure fire in progress at the Planned Parenthood in Kalamazoo, Michigan. Since that time, law enforcement has been conducting a joint investigation involving the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), the Federal Bureau of

Investigation (“FBI”) and the Kalamazoo Department of Public Safety (“KDPS”) into the origin and cause of the fire.

6. Specifically, on July 31, 2022, at approximately 4:12 p.m., KDPS officers were dispatched to 4201 W. Michigan Ave in Kalamazoo, the location of a Planned Parenthood, in response to a report of a structure fire. This location is within the Southern Division of the Western District of Michigan. I know, based upon my work on this investigation, that Planned Parenthood is an organization that receives financial assistance from the United States government.

7. The Planned Parenthood is a single story brick and concrete building. The building is inside a gated facility. There is an approximately six-foot tall fence all around the property with a secure gate at the front of the property. The main point of access is on the west side of the building with an auxiliary access on the south and east side of the building.

8. When investigators arrived, they noticed an active fire on the roof and other exterior areas of the building. They also noticed that the exterior dry pendant sprinkler head that was on the covered entryway on the south side of the building had been activated due to fire spread. This sprinkler head contained the fire growth in the area of the entryway, but the fire was able to continue to grow in the southwest corner of the building that was not protected by sprinkler coverage. Kalamazoo Public Safety Officers (PSOS) on scene were able to quickly utilize fire hoses to extinguish the bushes and soffit that were on fire on the exterior of the building. Crews then went inside the building and turned off the internal water suppression system to limit

the amount of water damage inside. PSOS also opened up ceiling voids in two of the offices to make sure that there was no extension of the fire into the roof or attic space of the building.

9. Once the fire had been fully extinguished, KDPS Fire Marshal Scott Brooks conducted an exterior 360-degree walkaround of the building and noted two separate points of origin for the fire. The first was in the bushes located in the south and southwest corner of the building. The second source of the fire appeared to be from a fire starter log that looked like it had been thrown onto the roof of the building. This information indicated that the fires had been started on the exterior of the building, causing damage to the building, and working towards the fire breaching its way into the building. PSOS were able to contain and extinguish the fire prior to any significant damage to the roof and before it could get into the building. However, the damage from the fire ultimately prevented Planned Parenthood from being open as scheduled on Monday, August 1, 2022 – the day after the fire.

10. Fire Marshal Brooks also went inside the building to continue his fire investigation. Fire Marshal Brooks reported that, on the inside of the structure, there was some water in the entryway on the southside from the sprinkler that had been activated. Inside the building, there was also a light haze of smoke, which indicated that the smoke from the fire had made its way to the HVAC system for the building and had been spread throughout the building.

11. Investigators learned that Planned Parenthood maintained a video surveillance system that captured real-time video footage of the exterior of the

building. Fire Marshal Brooks reported that, after reviewing the surveillance video footage, he surmised that a suspect come onto the property by breaching the exterior fence and then utilized a combustible fuel, possibly citronella tiki torch fuel, to ignite the exterior bushes of the building and then attempted to light a fireplace starter log and throw the burning log onto the roof of the building. After the fire ignited, the suspect fled from the scene.

12. On August 1, 2022, criminal investigators also reviewed the video surveillance. The video showed a male suspect, later identified as BRERETON, approaching from the west of Planned Parenthood on foot. BRERETON, who had dark hair that was visible on the video, was wearing dark colored pants, dark shoes, dark gloves, a camouflage jacket, blue surgical mask, and a black baseball cap. He was carrying a jug in his right hand and a dark backpack in his left hand.

13. Fire Marshal Brooks was able to recover a portion of the fire log that was thrown on the roof of the building. From what was left of the log and the paper on it, it showed the brand was "Duraflame." I know that "Duraflame" is a brand of starter logs and other related produced used to initiate fires.

14. Investigators checked several Kalamazoo area stores that sell Duraflame logs, including the Walmart located at 501 N 9th St. Kalamazoo, MI 49009. At this Walmart location, I contacted an asset prevention employee. I had the employee scan the SKU number on their Duraflame logs to see if any had been sold by the store recently.

15. I then learned from the asset prevention employee that, while the Kalamazoo Walmart had not sold the log, a Duraflame log had been sold at the Paw Paw Walmart on July 31, 2022 at 2:57 p.m. The fire under investigation was first reported to law enforcement on July 31, 2022 at 4:12 p.m. I thereafter drove the distance from Paw Paw Walmart to the scene of the incident, 4201 W. Michigan Ave Kalamazoo, MI on August 1, 2022, and it took him approximately 25 minutes to cover that distance.

16. On August 1, 2022, I contacted an asset prevention employee at the Paw Paw Walmart located at 1013 S Kalamazoo St. Paw Paw, MI. This asset prevention employee provided me with video surveillance that showed an individual later identified as BRERETON purchasing a Duraflame log on July 31, 2022 at 2:57 p.m. The employee also provided law enforcement with receipts of all items purchased. From investigators' review of the surveillance footage, the individual who purchased the Duraflame log on July 31, 2022 at approximately 2:57 p.m. matched the description of the individual seen in surveillance footage outside of the Planned Parenthood later that same afternoon – a man subsequently identified as BRERETON. BRERETON was not wearing a mask or hat during the timeframe that he was inside of Walmart.

17. BRERETON made two separate transactions and paid cash for all purchases. The first receipt was from July 31, 2022 at 2:57:28 p.m. and included the following items relevant to this investigation: citronella torch fuel, a 2.5 lb. Duraflame log, and a utility lighter. I looked at images of the torch fuel that BRERETON

purchased and noted that it looked similar to the jug that BRERETON was holding in his hand at the scene of this incident.

18. The second receipt showed that BRERETON purchased a “mens hat” on 7/31/22 at 3:00:43 p.m.. I reviewed the surveillance footage of BRERETON purchasing the hat and noted that it was a black baseball cap. The surveillance footage from the scene of this incident depicted BRERETON wearing a black baseball cap.

19. BRERETON left the Paw Paw Walmart in a lighter colored sedan. The vehicle was parked too far away to get any additional descriptors other than being able to see that it is a lighter colored sedan. However, as explained below, investigators subsequently linked BRERETON to a beige or champagne colored Chevrolet Malibu sedan.

20. In the Walmart video, BRERETON was wearing a short sleeve black t-shirt and appears to have a thin mustache, dark cargo style pants, and grayish tan hiking style shoes. In the video, it was clear that BRERETON had a distinct tattoo on his left inner forearm that is a picture of a crown with two cursive words under the crown.

21. On August 2, 2022, the ATF released to the news media pictures from the surveillance video showing the subject in this case and requesting assistance from the public in identifying him.

22. On August 3, 2022, Kalamazoo Silent Observer received a tip based upon the news release with the subject’s photographs. The tipster remained

anonymous but stated that Joshua BRERETON is the suspect involved in the arson. The tipster further reported that BRERETON lives in Paw Paw, MI. The tipster reported that BRERETON is approximately 5'8, 200lbs with black hair, brown eyes, in his 20's and has access to weapons.

23. On August 3, 2022, after receiving the tip, investigators began looking into BRERETON. Officers ultimately located a Facebook page for him, <https://www.facebook.com/profile.php?id=100010800187385>, with the vanity name of "Joshua Brereton (Joshy)." There are numerous open source photographs of BRERETON on this Facebook page. Comparing the photographs of BRERETON on his Facebook to the surveillance footage of the subject purchasing the items at Walmart, it appears to be the same person. Furthermore, BRERETON has links on his Facebook page to YouTube videos that he posted. One of the videos depicted BRERETON exercising in a short sleeve shirt. From this video, investigators were able to see the inside of BRERETON's left forearm and could see the crown tattoo with letters under it. This appears to be the same tattoo as the person that purchased the above listed items from Walmart.

24. On August 3, 2022, KDPS Intelligence Analyst Michael Fry also reviewed YouTube videos from BRERETON that appeared relevant to this case. The link to the video is <https://www.youtube.com/watch?v=YW9oAQ4FHnw> – entitled "The Line Between Good and Evil." On July 3, 2022, Brereton posted this video on his YouTube channel "Courageous Conduct: Civilian Self-Defense." The video is approximately 9 minutes and 13 seconds.

25. Approximately 32 seconds into the video BRERETON says "... We have this plague in American society that we want to put the responsibility on someone else. 'Oh someone else will take care of that person.' Oh, especially the government. The real plague is we think, oh we can all just pay higher taxes to a government and they'll take care of everything. And that's just not going to work well..."

26. At 1 minute, 43 seconds into the video, BRERETON says "... Like right now, we have a genocide happening. Genocide! Of babies! And people think this is always a hot topic. You literally have neighbors who think it's okay to kill a baby. And I won't get too much into it other than read a science book. It's not a religious debate. It's not a political debate. Scientific law says that the fetus is a brand new human being. And we're killing that person. Or some people are killing those people. And so we have conflicts of interest. We have government okays for the killing of peoples..."

27. At 5 minutes, 5 seconds into the video, BRERETON says "... We think someone else is going to do it. Nobody else is going to do it. If somebody else was going to do it – they would have. All right. If somebody was really going to – it would have already been done..."

28. At 8 minutes, 37 seconds into the video, BRERETON says "... So step out of your comfort zone. Lend a hand. Change society from the inside out. Don't put it on someone else and let it trickle down. It doesn't trickle down..."

29. On August 3, 2022, investigators queried BRERETON in a Michigan Secretary of State (SOS) database. SOS records indicate that BRERETON resides in Paw Paw, MI. SOS records also describe BRERETON as 5'10, 230lbs with brown hair. The SOS image of BRERETON also shows the same person that was depicted in surveillance footage from Walmart and the same person in the Facebook pictures and YouTube videos.

30. An SOS query of vehicles registered to Brereton indicates that he owns a 2014 Chevrolet Malibu sedan. The address registered to BRERETON's address in Paw Paw, MI. Also on August 3, 2022, investigators conducted surveillance outside BRERETON's residence in Paw Paw. As part of that surveillance, early in the afternoon, investigators observed BRERETON arrive driving a beige or champagne colored Chevrolet Malibu bearing the same Michigan license plate that comes back registered to BRERETON at his address in Paw Paw.

31. Based upon the above information, on August 3, 2022, investigators sought and obtained a federal search warrant for BRERETON's residence in Paw Paw. *See* Case No. 1:22-mj-00334. The residence was determined to be the home of BRERETON, his wife, and children. ATF, FBI, and KDPS investigators executed the search warrant that same day.

32. During the search of the premises, a camouflage jacket that matched that of the one observed in the surveillance footage at the Planned Parenthood during the arson was recovered in a child's crib in a bedroom. Inside the same room, investigators found a social security card issued to Joshua BRERETON. In the living

room, investigators found a pair of boots matching the boots observed in the Wal-Mart check out register. Lastly, investigators recovered a black hat which appeared to match the hat worn at the arson seen and purchased at the Paw Paw Wal-Mart from a clothes rack in a bedroom of BRERETON's residence. All items were collected and submitted into evidence.

33. During the warrant, investigators also located multiple firearms, including a handgun in BRERETON's vehicle. Inside the residence, they found two additional handguns, two twelve-gauge shotguns, and an AR style rifle. BRERETON has a valid Concealed Pistol License in the State of Michigan.

CONCLUSION

34. Based on the foregoing, there is probable cause to believe that on or about July 31, 2022, Joshua BRERETON committed the offense of maliciously damaging or destroying by means of fire, an institution or organization receiving federal funding, in violation of Title 18, United States Code, Section 844(f)(1). I respectfully request this Court issue a Criminal Complaint charging BRERETON accordingly, along with a warrant for his arrest.