

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I. Purpose of the affidavit

This affidavit is submitted in support of criminal complaints charging Jeremy Daniel PARADY, Patrick Steven WALSH, and Michael McIntosh EVERHART, with maliciously damaging and destroying, and attempting to damage and destroy, by means of fire, houses constructed on or being constructed on lots numbered 30, 31, 32, 33, 36, 37, 46, 47, 58, 60, 65, 66, 68, 70, 71 and 74 located at the Hunter's Brooke housing development in Indian Head, Maryland, in the District of Maryland, which were properties used in interstate commerce and in activity affecting interstate commerce, in violation of 18 U.S.C. Section 844(i) and 18 U.S.C. Section 2.

II. Your Affiant

Your affiant, Christopher J. Trainor, is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed for approximately 14 ½ years. Your affiant is a graduate of the Federal Law Enforcement Training Center (FLETC) Criminal Investigator Training Program and the ATF New Agent Training Program, where he received formal training in the investigation of arsons. Your affiant has participated in several investigations relating to the cause and origin of fires, and has participated in surveillances and arrests of known arsonists. Your affiant is currently assigned to the ATF Hyattsville, Maryland Field Office.

The information set forth below is based upon my personal observations or upon information provided to me by other law enforcement officers participating in the investigation as indicated.

III. Probable Cause

1. On December 6, 2004, at 0454 hours, a call was made to the Charles County, Maryland 911 Emergency System for the report of fire at a single family dwelling in the Hunter's Brooke Subdivision. Fire suppression units, along with the Maryland State Fire Marshal's Office, were dispatched to the fire scene. Investigators found that incendiary fires had been set/attempted in 45 homes, in varying stages of construction, at Hunter's Brooke, a new home development in Indian Head, Maryland. At least 10 homes were severely damaged with total damages expected to exceed 10 million dollars for the 45 homes. The developer, Lennar Homes, Inc., ("Lennar") utilized Security Services of America (SSA) for overnight security services at Hunter's Brooke.

2. Lennar is a Delaware Corporation with headquarters in Florida. Lots 37, 70, 71 and 74 were in various stages of construction and are owned by US Homes, Inc., a Delaware Corporation with headquarters in Texas which is in the business of building and selling single-family houses. Lots 30, 31, 32, 33, 36, 46, 47, 58, 60, 65, 66, and 68 were also in various stages of construction and are owned by Patriot Homes, Inc., a Maryland Corporation. Both US Homes, Inc. and Patriot Homes, Inc. are owned by Lennar and are in the business of constructing, marketing and selling residential dwelling nationwide.

3. Fire scene investigators submitted various containers and other items, along with fire debris, to the FBI and ATF laboratories for analysis. The laboratories were able to determine that the fire debris samples contained a mixture of toluene and Methyl Isobutyl Ketone (MIBK). Your affiant knows that both substances are ignitable liquids and that this combination of ignitable liquids is not readily/commonly available to the general public.

4. Investigators conducted an initial interview of Aaron Lee SPEED, a security guard employed by SSA. SPEED initially denied any involvement in the fires at Hunter's Brooke. In a subsequent interview conducted on December 10, 2004, SPEED speculated about the methods used to start the fires and the motive behind the acts. On December 16, 2004, SPEED voluntarily appeared at the Charles County Sheriff's Office, LaPlata, Maryland to undergo a polygraph examination. He was read his rights and waived them. SPEED subsequently failed the polygraph examination, including an inquiry as to whether SPEED helped to start the Hunter's Brooke fires and whether SPEED was involved in starting any of the fires. SPEED then provided a statement to law enforcement authorities that contradicted his earlier statements. SPEED claimed that he was present at the Hunter's Brooke location, along with a friend of his named "JD Purdy" (later positively identified as Jeremy Daniel PARADY) and several others unnamed, while the fires were being lit. SPEED claimed that he knew of the plan by PARADY to set a fire at the location. He also asserted that he told others how to gain access to the site. The times SPEED gave for his presence at the scene of the fire and for his subsequent return home are consistent with information obtained by law enforcement authorities from cell site towers.

5. On December 17, 2004, law enforcement authorities interviewed Jeremy Daniel PARADY at his place of employment. When PARADY was asked why he thought the ATF agents wanted to speak to him, he initially stated he felt it had to do with a firearm stolen from a jobsite. When advised that was not the reason, PARADY asked, "About the Charles County fire?" PARADY stated that he was a friend of Aaron SPEED's, and that he was suspicious of SPEED's statements to the press, as PARADY knew that SPEED should not have been in the area of the fires when they occurred. PARADY claimed that he had not seen SPEED for approximately four months. PARADY asserted that he had no involvement with the fires at Hunter's Brooke and did not know who started the fires. He volunteered to participate in a subsequent interview.

6. PARADY traveled with the ATF agents to the Charles County Sheriff's Office, LaPlata, Maryland. He was read his rights and waived them. PARADY subsequently admitted that he was a participant in the planning for and setting of the fires at Hunter's Brooke along with Aaron SPEED, Michael EVERHART (positively identified as Michael McIntosh EVERHART), Patrick WALSH (positively identified as Patrick Steven WALSH), and others of his acquaintance.

7. PARADY said, among his other statements, that his job was to serve as "wheels", meaning a driver for the operation. PARADY stated that on the night of the fire, he met with SPEED, EVERHART, and WALSH, and others of his acquaintance, at the Wendy's parking lot located in Waldorf, Maryland. The four loaded gas cans, kerosene cans, and a drum containing an unknown, bitter-smelling liquid into the trunk of WALSH's dark blue two-door automobile.

The group was equipped with matches, road flares, and butane torches to use as sources of ignition. PARADY drove the group to the Hunter's Brooke development. Once there, SPEED, EVERHART, and WALSH exited the vehicle, took cans of accelerant out of the trunk, and went to the front doors of the nearest houses. They kicked in the doors, poured a pool of accelerant inside the residence, and poured a trail of accelerant from the pool to the door, where the accelerant was ignited. When the three returned to the vehicle, PARADY drove forward several houses and stopped. WALSH, EVERHART and SPEED again obtained accelerant from the trunk, and entered additional residences. This pattern continued throughout the neighborhood. PARADY stated, among his other statements, that a second vehicle and several others of his acquaintances were also present at the site and also participated in setting fires.

8. On December 17, 2004, continuing into the morning of December 18, 2004, law enforcement authorities interviewed Michael McIntosh EVERHART at the Charles County Sheriff's Office, LaPlata, Maryland. EVERHART was read his Miranda rights and waived them. EVERHART initially denied any knowledge of or participation in the fires that occurred at the Hunter's Brooke development. EVERHART subsequently admitted, among his other statements, that he had knowledge of the planning for the fires and that he was present at the setting of the fires at Hunter's Brooke. EVERHART stated that he had overheard Patrick WALSH talk about a plan to burn down homes at the Hunter's Brooke development. EVERHART stated that he traveled to Hunter's Brooke with Aaron SPEED and Jeremy PARADY on the night of the fire. Upon arriving at the development, EVERHART claimed that he saw Patrick WALSH, Aaron SPEED, Jeremy PARADY, and others of his acquaintance

pouring what WALSH believed was paint thinner on the ground near the houses. EVERHART claims when he went to the Hunter's Brooke development, he did not know what was going to happen, and that he departed the development before any homes were on fire.

9. On December 17, 2004 and into the morning of December 18, 2004, law enforcement authorities interviewed Patrick Steven WALSH at the Charles County Sheriff's Office, LaPlata, Maryland. WALSH was read his Miranda rights and waived them. WALSH denied any knowledge of or participation in the fires that occurred at the Hunter's Brooke development. WALSH stated, among his other statements, that he was acquainted with Aaron SPEED, Jeremy PARADY, and Michael EVERHART. WALSH gave consent to a search of his two vehicles. When asked by the investigators what would happen if an accelerant-sniffing dog "hit" on his vehicles, WALSH responded with words to the effect of "then I guess you got me."

10. On December 18, 2004, an accelerant-sniffing canine was led through two vehicles owned by WALSH, a dark blue Chevrolet Lumina and a purple Chevrolet Cavalier. The canine alerted to the present of accelerants in both vehicles. When confronted with this information, WALSH could provide no explanation as to why accelerants might be found in the vehicle.

IV. Conclusion

Based on the foregoing, I submit that there is probable cause to believe that Jeremy Daniel PARADY, Michael McIntosh EVERHART, and Patrick Steven WALSH did maliciously damage and destroy, and attempt to damage and destroy, by means of fire, houses constructed on or being constructed on lots numbered 30, 31, 32, 33, 36, 46, 47, 58, 60, 65, 66, 68, 70, 71 and

74 located at the Hunter's Brooke housing development in Indian Head, Maryland, in the District of Maryland, which were properties used in interstate commerce and in activity affecting interstate commerce, in violation of 18 U.S.C. Section 844(i) and and conspired together to commit this act in violation of 18 U.S.C. Section 2.

Christopher J. Trainor
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before me on December 20, 2004.

Honorable Charles B. Day
U.S. Magistrate Judge