

## **AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

### **I. Purpose of the Affidavit**

This affidavit is submitted in support of criminal complaints charging Roy Theodore McCANN, Jr. (a/k/a “Brian”) and Michael Edward GILBERT (a/k/a “White Mike”), 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 dwellings 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, who denied any involvement in the fires at Hunter's Brooke. 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. 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. PARADY traveled with ATF agents to the Charles County Sheriff's Office, LaPlata, Maryland. He was read his Miranda 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, Patrick WALSH, and others of his acquaintance. PARADY stated that Michael GILBERT was present at the Hunter's Brooke site and participated in the setting of fires.

6. 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 setting of 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 Hunter's Brooke on the night of the fires. EVERHART stated that in August 2004, he was present at the Denny's restaurant in Waldorf, Maryland with Patrick WALSH, Michael GILBERT, "Brian" McCAN (McCANN), and others of his acquaintance. The group was sitting in an area of the restaurant called "The Pit" and talking about "how they wanted to burn things down and light fires." EVERHART subsequently 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 fires. Upon arriving at the development, EVERHART claimed that he saw Patrick WALSH, Aaron SPEED, Jeremy PARADY, "Brian" McCAN (McCANN), "White Mike" GILBERT and another person 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.

7. 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 setting of 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, and that he is a distant cousin of Michael GILBERT. On December 18, 2004, with WALSH's consent, 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 presence 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.

8. On December 17, 2004 and into the morning of December 18, 2004, law

enforcement authorities interviewed Michael Edward GILBERT at the Charles County Sheriff's Office, LaPlata, Maryland. GILBERT was read his Miranda rights and waived them. GILBERT denied any knowledge of or participation in the setting of fires that occurred at the Hunter's Brooke development. GILBERT stated that he was acquainted with Aaron SPEED, Jeremy PARADY, Roy McCANN, and is a distant cousin of Michael EVERHART and Patrick WALSH. GILBERT claimed that he was with his girlfriend on the night of the fires from 1900 hours to 2100 hours on December 5, 2004 in Landover, Maryland. At 2100 hours, GILBERT claimed that the two departed Landover, Maryland and went to the Dave and Buster's restaurant at White Flint Mall in Rockville, Maryland, departing the restaurant at 0030 hours on December 6, 2004 and returning to the girlfriend's residence in Waldorf, Maryland where they stayed for the remainder of the night. GILBERT also stated that he was familiar with the Hunter's Brooke housing development because he worked for a roofing supplier and had delivered roofing tiles to houses under construction there a few times.

9. On December 18, 2004, law enforcement authorities interviewed a witness acquainted with Mike "White Mike" GILBERT. The witness stated that he/she was present at the Denny's restaurant in Waldorf, Maryland with "White Mike" GILBERT, Patrick WALSH, and several others at 2000 hours on December 5, 2004. This time contradicts the account given by GILBERT. PARADY, EVERHART and McCANN all place GILBERT at the scene of the fire.

10. On December 20, 2004, law enforcement authorities interviewed Michael Edward

GILBERT (a/k/a “White Mike”) for a second time at the Charles County Sheriff’s Office, LaPlata, Maryland. GILBERT was read his Miranda rights and waived them. GILBERT again denied any knowledge of or participation in the setting of fires that occurred at the Hunter’s Brooke development. GILBERT subsequently admitted that he had knowledge of the fires beforehand. GILBERT said that he was a member of “The Family”, also known as “Unseen Cavaliers”, a gang operating in Charles County, Maryland. The leader of “The Family” is Patrick WALSH. GILBERT stated that approximately one month ago, WALSH approached GILBERT saying WALSH had a plan to make “The Family” bigger and more famous. WALSH’s plan had to do with setting “something” on fire and that it would be big. GILBERT claimed that he told WALSH that he did not want to be involved. On December 3, 2004, GILBERT claimed, WALSH said to him, “Look, you know something’s going down, and it will probably be Sunday. I want you to know that this is your last chance. Do you want to be in on it or not?” GILBERT claimed that he refused, and that WALSH was upset with him.

11. On December 20, 2004, law enforcement authorities interviewed Roy Theodore McCANN, Jr. (a/k/a “Brian”) at the Charles County Sheriff’s Office, LaPlata, Maryland. McCANN, Jr. was read his Miranda rights and waived them. McCANN, Jr. initially denied any knowledge of or participation in the setting of fires that occurred at the Hunter’s Brooke development. McCANN, Jr. subsequently admitted, among his other statements, that he had knowledge of the planning for the fires and that he was present just prior to the setting of the fires at Hunter’s Brooke. McCANN, Jr. stated that “a couple of months ago at Denny’s Patrick WALSH stated that he was going to go off and just start blowing stuff up.” On the night of the

fires, McCANN, Jr. advised, an acquaintance called him and told him that Patrick WALSH had “two-wayed” (placed a Direct Connect call to) the acquaintance, telling the acquaintance that WALSH was going to do “something stupid” at a new housing development off of 225 (State Route 225). McCANN, Jr. then traveled to the Hunter’s Brooke housing development, and upon arrival, observed Patrick WALSH, J.D. Pardy (Jeremy PARADY), Aaron SPEED, “Mike” GILBERT, and another person of his acquaintance near lot 46 unloading “stuff” that looked like “laundry detergent bottles” from a vehicle. McCANN, Jr. observed WALSH and SPEED “walk into the house on lot 46 with bottles in their hands” and at the same time PARADY and GILBERT “walk into lot 30 also carrying bottles.” McCANN, Jr. claimed that after making these observations, he departed the area. EVERHART told investigators he witnessed McCANN, Jr. participating in setting the fires.

#### **IV. Conclusion**

Based on the foregoing, I submit that there is probable cause to believe that Roy Theodore McCANN, JR. and Michael Edward GILBERT 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 aided and abetted others to commit this act in violation of 18 U.S.C. Section 2.

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

Subscribed and sworn to before me on December 21, 2004.

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Honorable Charles B. Day  
U.S. Magistrate Judge