

**AFFIDAVIT AND REQUEST FOR ARREST WARRANT
RULE 4, M.R.CRIM. PRO.**

I, Ranger Investigator Matthew Bennett, being a law enforcement officer, and being first duly sworn, under oath, do hereby depose and swear as follows:

That I have probable cause to believe, and do believe, that Ricky A. Plummer date of birth [REDACTED], residing at [REDACTED] Biddeford, County of York, and State of Maine has committed the following offense:

ARSON, Title 17-A Maine Revised Statutes, Section 802(1)A, Class A

The basis of my probable cause is as follows:

The facts and circumstances, which lead your affiant to believe this, are as follows:

1. I have been a Forest Ranger in the State of Maine for 16 years. I graduated from the 26 week Maine Forest Ranger Academy in 2001. In 2010, I was promoted to the position of Forest Ranger Investigator; a position I currently hold. During my law enforcement career, I have conducted and participated in numerous criminal investigations including the crimes of Arson, Aggravated Criminal Mischief, and Timber Theft. Also during my law enforcement career, I have received specialized training in criminal investigation, interview and interrogation, crime scene processing and Wildland Fire/Arson Cause and Origin Determination and Wildland Fire Behavior. I have investigated over 300 Wildland Fires that have included incendiary, accidental and natural causes. Because of my experience with wildland fire investigation I have instructed numerous classes for new Maine Forest Rangers and members of the International Association of Arson Investigators.
2. On April 15, 2016 a wildland fire consumed approximately 42 acres of marsh grass and woodland west of East Grand Avenue, Old Orchard Beach that endangered several occupied homes and unoccupied seasonal properties. The property that was damaged by the fire is owned by the State of Maine Bureau of Land Acquisition. The first call to dispatch reporting the fire was at 1454 hours by a witness, Daniel Costin of Davenport Condominiums Unit D2, who also provided a video of his observations at the time he reported the fire (see exhibit 1). It was reported as being behind the Davenport Condominiums on Walnut St. in Old Orchard Beach. I viewed the video and determined that the fire was located outside the western edge of the tree line west of the Friendship Oceanside Suites, and approximately 2,200 feet north of the Davenport Condominiums visible in the video and approximately 50 feet by 100 feet in size. Within seven minutes the fire burned with the wind a distance of about a half a mile. Rates of spread were estimated at 200-500 feet per minute.

3. On April 15, 2016 I responded directly to the area of the fire and at 1503 hours I parked in front of the Sea Drift Motel (126 East Grand Ave), and witnessed Fire Chief Ricky Plummer in his black Fire Chief's Cruiser travel south past me with his rear hatch up. I followed so we could work as a unified command and ultimately worked alongside Chief Ricky Plummer at the command post located at the Davenport Condominium Complex, Walnut Street. At the command post, Chief Ricky Plummer was wearing similar clothing as the person I later viewed from the Friendship surveillance video, although now he was wearing his turn-out coat.

4. On April 15, 2016 after the fire suppression efforts were completed I began an investigation into the origin and cause of the fire. This portion of the investigation which lasted for several days resulted in the conclusion that the fire cause was Incendiary having originated in the marsh in the rear of 164 East Grand Avenue.

5. My wildland fire investigation was completed in the same manner that I conduct all my fire investigations.

Wildfires are described as having four major parts; a "head", which is the direction the fire is moving typically with the wind or up slope, these areas are described as exhibiting "advancing" burn patterns; "left and right flanks", and exhibit "lateral" burn patterns and transition zones, typically due to changes in wind direction or changes in fuel types; and the "rear" or "heel", this area of the fire will exhibit "backing" burn pattern indicators. Backing fire is characterized as fire moving down slope or against the wind.

When determining the origin of the fire, we analyze 14 indicator categories. These indicators will be apparent on large and small objects and wildland fuels. 1) Protection, 2) Grass Stem, 3) Freezing, 4) Degree of Damage, 5) Depth of Char, 6) Angle of Char, 7) Spalling, 8) Curling, 9) Sooting, 10) Staining, 11) White Ash, 12) Cupping, 13) V-patterns, and 14) Die Out.

Before entering the fire area we determine the head, flanks and heel by observing large scale (macro) indicators such as angle of char, freezing, white ash deposits, degree of damage, protection, sooting, staining, and spalling which indicate to us whether a fire advanced through an area versus backed through an area. Photographic, video and personal observations of the fire behavior allowed me to easily determine that the fire moved in a direction from north (by the northwest point of the forested area) to south (towards the Davenport condominiums) During the fires growth, this would have been classified as the head, because it was the direction the fire moved. The heel of the fire is found opposite the head. The heel of the fire was determined to be the northern most portion. The fire in this area backed up to Jones Creek, thereby running out of available fuel. The flanks of the fire are determined by standing at the heel of the fire, looking towards the head, my left hand side is the fires left flank; my right hand side is the right flank. Specifically, the left flank burned along the railroad tracks and the rear of properties along East Grand Ave. The right flank was bound by Jones Creek west of East Grand Ave. This is standard terminology.

Starting at the head of the fire, being the southern end of the fire area, we observed advancing burn pattern indicators that lead us to believe the origin is north of our position. We followed these advancing burn pattern indicators to a point where we could see grass stem indicators ahead of us; which are indicative of backing fire. At this point we knew we were at the general origin area. This area was at the far northern portion of the fire area.

During this wildland fire investigation I was assisted by three other Maine Forest Rangers, Ranger Parsons (a 42 year veteran of the Maine Forest Service), Ranger Skillin (a 24 year veteran of the Maine Forest Service) and Ranger Rousseau (a 16 year veteran of the Maine Forest Service). All of the assisting rangers agreed with my determination of the general area of origin.

I used colored flags to visualize directionality of fire spread; blue for backing, red for advancing, and yellow for lateral. These flags are placed with the corresponding burn indicator and photographed.

At this point the larger scale, macro, indicators become more slight. I then needed to work closer to the ground to observe micro indicators; such as grass stems, cupping, protection, staining, and degree of damage. I determined the specific origin area to be along a game trail located specifically as running east-west roughly 30 feet south of the northern portion of Jones Creek (as evidenced by deer scat and musk rat sign). From behind 164 East Grand Ave, where the Old Orchard Beach Fire Chief's cruiser is seen parking, going across a small paved parking area and crossing the railroad right-of-way (which is described a private corridor running north-south parallel with East Grand Ave) is a visible footpath which meanders in a northwesterly direction, passing by a tree fort in a large white pine tree. The footpath turns southerly and continues through the woods swinging back east towards the railroad tracks. From the tree fort going west is a small game trail that snakes through a brushy thicket and out into the marsh. I determined the origin to be roughly 80 feet from the woodline out in the marsh along the game trail. A person would have to leave the beaten footpath and pass through the brushy thicket to gain access to the marsh. To the immediate north of the game trail was observed grass stems; an indicator of backing fire. To the immediate south of the game trail were indicators of advancing fire angle of char on grass clumps, angle of char through shrub thickets, and degree of damage on ground fuels. I gridded along this game trail from an advancing area to a backing area. I moved forward one foot at a time until I have gridded across the specific origin area. The last thing I did was pass a magnet over the area to pick up any metal objects. This is done last as it is the most disruptive to the specific origin area.

I did not locate any evidence of human activity such as cigarette butts, glass, fire-works, matches, matchbooks, etc. Natural causes such as lightning and spontaneous combustion were eliminated as possible fire causes.

The combination of my training and experience, on wildfire scene investigation in conjunction with video and photographic evidence has led me to the conclusion that all accidental fire causes were excluded and the cause of this fire was incendiary.

6. The fire occurred west of Pan Am railways and calls were made to Amtrak and Pan Am to request time frames of train passage and videos for review. Amtrak records their trips with a front and rear mounted digital video recorder, I asked them to preserve the video for viewing as it may show human activity along the tracks during the time of the fire. On April 22, 2016 Amtrak Detective Mike Lee advised that the video was viewed and they did not see any activity along the tracks during that stretch of tracks or any fires next to the tracks. Based on videos I have seen and the report from Detective Lee as well as my examination of the fire scene, I was able to rule out trains as involved as a potential fire cause.

7. At the time of the fire several people were encountered by Rangers in the area of the marsh and woods and they were subsequently interviewed and eliminated as suspects by investigators regarding their whereabouts and actions.

a. On April 15, 2016 Two young men were found to be in the area; Francesco Seedner on the beach located east of East Grand Avenue and on the opposite of the road from the fire, and Eric Stanton at his 6 Scollard Rd address in Old Orchard. Seedner called his friend when he sees the smoke, and they both moved to the northern end of the Sea Drift Motel to assist fire fighters. After assisting them with hose lays, they moved up the tracks and looked for more fire. They moved northward and came to the tree house. Once they felt they were no longer able to help with fire suppression they left the fire area. Myself, Old Orchard Beach Police Detective St Pierre and Detective Sergeant Hemingway have each interviewed them and determined they were not involved with the cause of this fire.

b. On April 30, 2016 I interviewed Clayton Autry, Devin Thompson, and Matthew McDonald; three young men seen near the origin of the fire at 1620 hours by my Supervisor, Sergeant Greg Hesslein. Autry told me that he and Thompson traveled south on East Grand Ave headed to the 7/11 store for beer and gas (seen in a doorless Jeep Wrangler on Friendship surveillance segment #2 at counter 14:56:45 (22seconds after the OOB FC passes)) they initially thought someone was burning trash, but realized that the marsh was on fire. They pulled into the parking lot of 152 East Grand Ave (two gambrel style apartments), they took some pictures and video. They said the Old Orchard Beach Fire Chief (recognized by his black, lettered, Fire Chiefs cruiser) pulled up near them, parked and walked towards the railroad tracks while speaking on his radio. They pulled back onto East Grand Ave. thinking they would still go to 7/11 store, but saw fire hoses being pulled across the road. They decided to go the other direction into Scarborough at 15:12 hours (seen on the Friendship surveillance). When they got back to 96 East Grand Ave, they decided to walk down the beach barefoot to see what was happening with the fire and to watch the helicopter; at this point Matt MacDonald, whom also lives at 96 East Grand Ave, joined them. They walked south on the beach to a point where they could see the helicopter dropping water and walked towards East Grand Ave. They crossed East Grand Ave and stood in a vacant lot (across from the Friendship). Thomas Schilling, an employee of the Friendship, saw them from the second floor balcony. He

noted they were barefoot. The three young men followed volunteer FF's into the woods. Schillings followed them into the woods, as he, too, was curious about the fire. They climbed up into the tree fort to get a better view. This is when Ranger Hesslein identified them and asked them to leave the fire area; which they did. I reviewed photographs taken by Autry on his phone and found the time stamped photos to be consistent with his statement.

8. On April 20, 2016 Detective St. Pierre reported to me that he viewed surveillance video located at 167 East Grand Ave (the Friendship Oceanside Suites). Det. St Pierre indicated that he saw the Old Orchard Fire Chiefs black Ford SUV cruiser with Fire Department logo on the side, entering from the right side of the screen (the Scarborough end of East Grand Ave) and pulling into 164 East Grand Ave where it parks directly behind the building (can see its shadow) at 14:28:51 hours. A male subject appears wearing a dark ball cap and dark blue or black clothing from where the Old Orchard Fire Chief's cruiser is parked and walks up to the railroad tracks, he pauses briefly, and then enters the railroad right-of-way. He is out of sight for about 25 minutes. During that 25 minute time period no other people are seen at the rear of 164 East Grand Ave. The male subject reappears from the back far right side of the screen at 14:53:36 hours; he appears to be walking quicker than when he was first seen entering the woods. He walks back towards the Old Orchard Fire Chief's cruiser. Soon the Old Orchard Fire Chief's cruiser rolls forward (as seen by the moving shadow in the video). During the course of this investigation I have travelled by foot from the parking lot of 164 East Grand Avenue, where the Fire Chief's vehicle was parked, to the area of fire origin. Each time this walking distance has taken no less than four (4) minutes to complete. The initial 911 call reporting the fire is received by the Scarborough Dispatch Center at 1454 hours, establishing that Chief Plummer (as identified in the video) is in the woods during the incipient stages of the fire. The Old Orchard Fire Chief's cruiser then appears from the behind the building at the south side, and pulls onto East Grand Ave headed back towards Scarborough at 14:54:40 hours. Less than two (2) minutes later, at 14:56:21 hours, the Old Orchard Fire Chief's cruiser is seen with emergency lights heading south on East Grand Avenue.

9. Upon viewing the video I am sure that the male seen in the video that exited the Chief's vehicle was in fact Fire Chief Ricky Plummer based on his gait and appearance. Old Orchard Police Chief Kelley also made the same observation on 4/25/16.

10. On April 28, 2016 I received audio recordings from Scarborough Regional Dispatch of radio traffic around the time of the fire on April 15, 2016. On these audio recordings, I heard the Old Orchard Fire Chief, Ricky Plummer say at 1421 hours he was "in route to the Seascape 'for ah' East Grand Ave for inspection." The Seascape is located at 221 East Grand Ave. 8/10 of a mile north of 164 East Grand Ave (a vacant building) where he is seen parking. At 1448 hours Fire Chief Plummer is heard on the audio recording saying "Be clear of the inspection," dispatch acknowledged both transmissions. During the second statement Chief Plummer was still in the wooded area as seen on the Friendship surveillance video. Det. St. Pierre told me that he believes the second transmission to have been made from a portable handheld radio as it sounds like

Fire Chief Ricky Plummer is walking, not a vehicle mounted radio. As noted above, Chief Plummer emerged from the wooded area behind 164 East Grand Avenue at 14:53:36 hours, approximately four (4) minutes after this radio traffic from his portable radio. At 1455 hours a dispatch radio transmission announces the reported fire and at 1456 hours Chief Ricky Plummer reports by radio that he is located at "Milliken and Walnut right now" (which is located south of the fire scene). Also at 1456 hours, the Old Orchard Beach Fire Chief's vehicle is seen on the Friendship Oceanfront Suites video surveillance passing southbound on East Grand Avenue with emergency lights activated, travelling from north of the fire scene.

11. On April 15, 2016 I viewed a video posted to YouTube. The video titled, "fire Old orchard beach 4/15/16," shows Fire Chief Plummer (in his black SUV Chief's vehicle) arriving on East Grand Avenue in the area of fire trucks North of the Sea Drift Motel and arriving from the North, contradicting his 14:56 hours radio traffic indicating he is at "Milliken and Walnut right now."

12. On April 16, 20, and 25, 2016 I spoke with Fire Chief Plummer. On the 16th he accompanied me to the area behind the Sea Drift Motel. On the 20th, he told me that by chance, he saw my truck parked at the rear of 164 East Grand Ave. and decided to walk out onto the marsh where Det. St. Pierre and I were looking at fire indicators. On the 25th he again met me in the wooded area as I was walking out. At no time did he offer that on the day of the fire he was parked behind 164 East Grand Ave; or that he walked into the woods; or what he did while he was in the woods; or that he responded down East Grand Ave from the Scarborough end, nor did he mention/volunteer or report to me that prior to dispatch recording that he smells or sees smoke.

13. On April 29, 2016 I met with Fire Chief Ricky Plummer to discuss information I would need for my Fire Report. During this meeting, Fire Chief Plummer told me that he had responded to this fire from "Milliken St, well actually on Old Orchard St. so...I had just left the Town Hall". Also during my meeting, Fire Chief Plummer says (in reference to wildfire) "that was as close as I've ever come to burning a building down...besides Florida."

14. On May 4, 2016 I spoke to Police Chief Dana Kelley. Dana Kelley told me he was at the Town Hall when the call came in; that he had just left a meeting with the Town Manager. He says Fire Chief Ricky Plummer was not at the Town Hall during the time that Chief Kelley was there.

15. On April 30, 2016 I dropped off surveillance videos from the Friendship Oceanfront Suites at 167 East Grand Ave motel and additional video from the Royal Anchor Motel at 203 East Grand Ave. to Detective Ivan Ramsdell of the Scarborough Police Department, an experienced detective in digital media examination. Detective Ramsdell independently verified the video's time stamps. He reported to me that when the Old Orchard Fire Chief's cruiser leaves 164 East Grand Ave headed towards Scarborough, the vehicle does not appear in the Royal Anchor surveillance (which is 4/10ths of a mile north of the Friendship on East Grand Ave.), establishing that the

vehicle never travelled that far north. Det. Ramsdell reported that before he is seen again on the Friendship surveillance he is responding to the fire one minute and thirty seven seconds later.

16. On May 6, 2016 Myself and Sr. Investigator for the Fire Marshal's Office, Mark Roberts and I met Fire Chief Ricky Plummer at Maine Medical Center in Portland, Maine in a 2nd floor hospital room to execute a search warrant for his Fire Chief cruiser keys and cellular phone. I handed him the Search Warrant and the receipt for items seized. I advised him that I would love to have the opportunity to speak with him when he was ready. He said right now. We were provided a private room, also on the second floor in the hospital by a nurse. The room was a supervisor's office furnished with an office desk, and a small table. Fire Marshal Mark Roberts sat behind the desk, and Fire Chief Ricky Plummer and I sat at the table with Fire Chief Ricky Plummer closest to the door. The door was closed and unlocked for privacy. I read Fire Chief Ricky Plummer his Miranda rights and received a verbal reply "yes" to each question and he agreed to speak with us. I also advised him that I would be recording this interview, he understood. Investigator Roberts was wearing a vest and his firearm was not visible, I was not armed during the interview but wearing a uniform.

17. During the interview I conducted of Fire Chief Ricky Plummer with Inv. Roberts, Fire Chief Ricky Plummer initially denied any involvement in the fire. During the course of the interview he then made admissions regarding the fact that he was responsible for the fire and represented the facts in a manner not consistent with my findings about the fire cause. Fire Chief Ricky Plummer reported that he was, in fact, responsible for the fire. Fire Chief Ricky Plummer stated that he had walked out into the woods and marsh to get some "peace." He stated that he had taken two cigarettes from his wife to smoke and took one out into the marsh as a stress relief, something he reported smoking only two or three times in the past 6-8 months, never in the marsh where this fire had occurred. Smoking is something that he told me he has never told anyone before and that no one would be able to verify is a practice or habit of Fire Chief Ricky Plummer's. Fire Chief Ricky Plummer pointed out to me on a map where he was smoking, where he lit the cigarette with two tear off matches and that he threw the matches on the ground and then the cigarette on the ground in chest high dry cattails. Fire Chief Ricky Plummer pointed to the location where he dropped the matches and it was the same location I previously determined as the area of origin, information that had not yet been shared with Fire Chief Ricky Plummer. Fire Chief Ricky Plummer stated he then walked out of the woods and was unaware that a fire had been started or was burning. Fire Chief Ricky Plummer reported that he saw no other people in the area and that he understood that he was responsible for the fire. Fire Chief Ricky Plummer continued to deny that he had intentionally started a fire or that he was aware it was burning when he left the marsh and woods to return to his vehicle. Fire Chief Ricky Plummer reported to me that upon hearing the fire call reporting the fire he immediately knew that he was the person responsible, knowing that he had just been smoking in the area that the fire was reported. Fire Chief Ricky Plummer reported that he "knew better" than to be smoking in the marsh, that he had just managed a forest fire on the previous day, a "red flag" or high wild land fire danger day when no outside burning was allowed. He reiterated on more

occasions, noting "I know better to even be out there with a cigarette." Fire Chief Ricky Plummer told me he doesn't like smoking, doesn't like the taste and doesn't inhale. Fire Chief Ricky Plummer told me that a couple of days after the event he threw the second cigarette, that he didn't smoke, and the book of matches that he used a 7-11 store trash can or possibly at Potvin's store. Fire Chief Ricky Plummer acknowledged that, although he was given several opportunities, he never told me what had happened and that he had continued to misrepresent the truth to me about his actions the day of the fire and what he had in fact been doing in the marsh.

18. During the course investigation, as detailed above in my origin and cause, no cigarette butts or any other smoking materials were located in the area of fire origin. I searched the area carefully and would have certainly located evidence of this nature if it existed. During my career I have investigated several cigarette caused fires and the cigarette has always been present at the origin upon my examination. At the time ignition to wildland fuels occurs by cigarette it is a low intensity combustion process that travels away from the ignition source and allows the fiberglass butt to remain intact.

19. On April 14, 2016 he managed a fire that burned two acres off School Street, in dry bamboo, caused by three female juveniles smoking cigarettes. The fire was characterized as extreme fire behavior. Fire Chief Ricky Plummer and I discussed the chain of events that led to the fire the three female juveniles started. The chain of events he describes for his own fire were similar to the previous days fire.

20. I learned from Ranger Inv. Byers that she interviewed three (3) Old Orchard Beach Fire Captains. The three captains reported to her that Plummer has never been seen smoking, that he is not known to smoke cigarettes and none were aware that he had ever smoked before. Ranger Inv. Byers also told me that Captain John Gilboy further advised that he had never smelled cigarette smoke on Ricky Plummer's person or in his vehicle.

WHEREFORE, your affiant requests that a complaint and warrant of arrest be issued for the said Ricky A. Plummer date of birth [REDACTED] for the crime of Arson, Title 17-A, Section 802(1)A committed on 04/15/2016

DESCRIPTION:

NAME: Ricky A. Plummer
RACE: White
HGT: 5'10"
HAIR: Gray

DOB: [REDACTED]
GENDER: Male
WGT: 210
EYES: Brown

FOREST INVESTIGATOR MATTHEW G. BENNETT

[Handwritten signature of Matthew G. Bennett]

Dated: May 7, 2016

STATE OF MAINE
YORK, ss.

Personally appeared before me the above-named Forest Ranger Matthew Bennett, and made oath as to the truth of the foregoing affidavit signed before me.

Dated: May 7, 2016 *[Signature]*
Superior Court Justice, Clerk or Justice of the Peace

DETERMINATION OF PROBABLE CAUSE

I have reviewed the above sworn affidavit, and I hereby do find that there is probable cause _____, ~~is not probable cause~~ _____ to believe that the defendant committed the offense(s).

Date: May 7, 2016 *[Signature]*
Superior Court Justice
~~Superior Court Clerk~~

Warrant to Issue

Bail requested by the State: Bail is set at \$10,000.00 cash

Conditions requested: No possession of incendiary devices. No entry into Old Orchard Beach.