

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

MARK CHARLES BARNETT

Case No.

5:17-mj-1013-PRL

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 February 9, 2017 in the county of Marion in the Middle District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section (18 U.S.C. Sec. 922(g)(1)), Offense Description (Possession of a firearm (destructive device) affecting interstate or foreign commerce by a previously convicted felon)

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Dewane L. Krueger signature

Dewane L. Krueger, Special Agent - ATF Printed name and title

Sworn to before me and signed in my presence.

Date: 2-16-2017

Philip R. Lammens signature

City and state: Ocala, Florida

Philip R. Lammens, U.S. Magistrate Judge Printed name and title

STATE OF FLORIDA

Case No. 5:17-mj-1013-PRL

COUNTY OF MARION

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Dewane L. Krueger, being duly sworn, do hereby state the following:

INTRODUCTION

1. I am a Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed for more than sixteen years. I have conducted numerous federal investigations involving federal explosive violations. Prior to becoming a Special Agent with the ATF, I was employed for two years with the Office of Inspector General, Health & Human Services, as a Criminal Investigator. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy.

2. As a result of my training and experience as an ATF Special Agent, I am aware that it is a violation of Title 18, United States Code, Section 922(g)(1), for any person who previously has been convicted of a felony offense to possess a firearm which has affected interstate or foreign commerce. As related to this offense, Title 18, United States Code, Section 921(d)(3)(D) and (4)(A)(i) defines a "firearm" as including a destructive device, such as "any explosive bomb."

PURPOSE OF THE AFFIDAVIT

3. This affidavit is being submitted for the purpose of obtaining a federal criminal complaint for the arrest of the defendant, Mark Charles Barnett (Barnett), who resides in Ocala, Florida. Because this affidavit is intended only to show that

there is probable cause for the arrest of Barnett on this criminal charge, it does not contain all of my knowledge about this investigation.

4. As detailed herein, probable cause exists to believe that Barnett, a previously convicted felon, was in possession of a firearm (destructive device) on or about February 9, 2017, in Marion County, within the Middle District of Florida.

CONFIDENTIAL SOURCE

5. This investigation involves the use of a confidential source (CS). The CS is a previously convicted felon for the offense of burglary of an occupied dwelling or conveyance. The CS currently is on probation for that offense.

6. The CS has not been promised anything in return for cooperation with law enforcement in this investigation. As detailed herein, the information provided by the CS has been independently corroborated by law enforcement and has been deemed reliable.

PROBABLE CAUSE

7. On February 13, 2017, the CS's probation officer contacted the Florida Department of Law Enforcement (FDLE). The probation officer explained that the CS had been asked by another probationer, Barnett, to "place bombs in ten buildings." Barnett, a registered sex offender, is on probation for numerous felony offenses including kidnapping, multiple counts of sexual battery with a weapon or force, and grand theft. Barnett wears a Global Positioning System (GPS) ankle monitor as part of his supervision.

8. The probation officer confirmed Barnett's Marion County residential address. This address is also listed as Barnett's permanent residence for his State of Florida driver's license.

9. Shortly after learning this information about Barnett from the probation officer, FDLE Special Agent Jeff Vash and I conducted a sworn interview of the CS about Barnett. The CS explained to us that the CS has known Barnett since July 2016 and occasionally has worked for him. The CS correctly identified Barnett from a photographic lineup.

10. In January 2017, Barnett had asked whether the CS "wanted to make some easy money." Barnett then had offered the CS \$10,000 to "deliver packages" to multiple locations including Florida, New York and Virginia. Assuming it to be drug activity, the CS had dismissed the offer, telling Barnett that the CS would not "deliver any cocaine or drugs" for Barnett.

11. While continuing to work with Barnett in January/February 2017, the CS overheard Barnett talking about the Stock Market. Specifically, Barnett stated that he had made some investments and had a plan to make money related to Target Corporation stocks from the Stock Market. At that time, Barnett again broached the subject of "making some easy money" with the CS by "delivering some packages."

12. On February 1, 2017, Barnett came to the CS's Marion County residence and explained that he had a way "to make Target Corporation stock drop." Barnett told the CS that this drop in stock value could be accomplished by the CS delivering the packages for him.

13. Within a few days of this exchange, the CS met Barnett at Barnett's residence. While in a shed on the property, Barnett showed the CS a tub of gunpowder. A subsequent check of Marion County property appraiser records by investigators confirmed that Barnett has such a shed at his residence.

14. On February 9, 2017, Barnett returned to the CS's residence with a cardboard box in the back of his vehicle. Inside of the box were 10 separate food-item boxes (stuffing mix, breakfast bars, and pasta). Barnett told the CS not to let the boxes bounce around or they would explode. When the CS asked whether the boxes would kill the CS, Barnett responded, "No, they'll just take your hand off." Barnett then placed the boxes into a work trailer on the CS's property.

15. Barnett told the CS that he originally had made 12 of the explosive boxes, but that he had "messed up on two of them." He instructed the CS to place these boxes on the shelves inside Target stores in Florida, New York and Virginia. He explained that the CS would need to remove a rubber band on the exterior of each of the boxes in order to activate a triggering device that was inside. Once the boxes had detonated inside of Target stores, Barnett theorized that the company's stock value would plunge allowing him to cheaply acquire shares before an eventual rebound.

16. Barnett provided the CS with a bag of gloves, a mask, and a license plate cover to make it more difficult for law enforcement to identify the CS. He further instructed the CS to get rid of the CS's cellular telephone so that law enforcement would not be able to track it.

17. On February 10, 2017, Barnett provided the CS with \$280 as travel money to cover the expenses associated with placing the devices at Target locations along the East Coast. The CS, however, did not leave on the trip.

18. Instead, on February 13, 2017, the CS surrendered the ten explosive devices to ATF and FDLE. These devices subsequently were examined by Kevin Miner, an ATF Explosives Enforcement Officer (EEO Miner). EEO Miner determined that the ten devices mechanically are consistent with each other. Each had been constructed using a small food box and contained a battery-powered power source. This power source connected via a switch to an approximately one and one half inch diameter aerial shell and model rocket motor igniter. The chemical composition of the powder in the aerial shell is physically consistent with flash powder, black powder, and pyrotechnic stars.

19. EEO Miner determined that, once the switch had been triggered on a device, an electrical current would flow causing the rocket motor to ignite the explosive powders contained within the shell. This act would result in a violent explosion capable of causing property damage, serious injury, or death to nearby persons.

20. All of these devices were rendered safe (detonated) by the Marion County Sheriff's Office bomb squad on the evening of February 13, 2017. An analysis of the components from these explosive devices by EEO Miner confirmed that they had been manufactured outside of the State of Florida. As a consequence,

they have traveled in and/or affected interstate of foreign commerce prior to their recovery in the Middle District of Florida.

21. ATF corroborated that a cellular telephone number that the CS provided for Barnett does, in fact, belong to him. Furthermore, a supervisory probation officer provided investigators with GPS data from Barnett's GPS ankle monitor. This data confirmed that Barnett had traveled to the CS's residence on February 9, 2017, and had stayed there for a period of approximately 14 minutes. This information is consistent with the CS's description of Barnett dropping off the box of ten explosive devices at the CS's residence.

22. On February 14, 2017, at the direction of investigators, the CS met with Barnett at a local restaurant to discuss the placement of the devices in Target stores along the East Coast. The CS wore a covert recording device for the meeting that had been provided by law enforcement. This device allowed the entire conversation between the CS and Barnett to be preserved as evidence in the investigation.

23. The CS told Barnett that the CS already had placed four of the original ten devices in Target stores in two states immediately north of Florida. Barnett responded by telling the CS to "get as far north as you can go" because "we didn't want to make it a localized thing." The CS assured Barnett that he planned to go as far as Syracuse, New York, for that purpose. When discussing the remaining six devices, Barnett suggested that the CS "start at Syracuse and work your way back down [to Florida]." He added, "Put one in each state, I guess." As Barnett spoke of these devices, he correctly referenced the type of food-item packaging that had been

used to conceal the explosives. Barnett also commented that he was monitoring that stock market to see “if anything major happens.”

24. Following this recorded meeting, agents from ATF, FDLE and the Federal Bureau of Investigation (FBI) executed a search warrant at Barnett’s residence. They recovered rocket motor ignitors, M-5000 explosives, and battery sources consistent with those used in the devices.

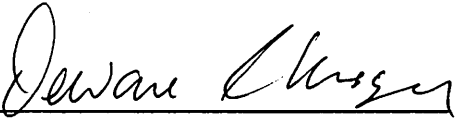
25. EEO MINER reviewed the covertly-recorded conversation between the CS and Barnett from February 14, 2017. Taking into consideration Barnett’s expressed purpose for the devices, the recovered evidence from Barnett’s residence, and the components of the ten devices surrendered by the CS (from Barnett), EEO Miner has determined that the devices were designed as improvised explosive weapons and were capable of causing property damage or serious injury to anyone in proximity to them when detonated. As such, these ten devices properly are classified as improvised “explosive bombs” under Title 18, United States Code, Section 921(d)(3)(D) and (4)(A)(i).

26. Using Barnett’s unique identifiers (name, date of birth, social security number, etc.), agents have confirmed that Barnett previously has been convicted of the state felony offenses referenced above. In addition, the Florida Office of Executive Clemency has confirmed that Barnett never has had his civil right to keep and bear firearms restored by executive clemency.

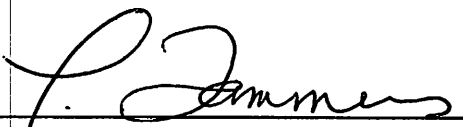
CONCLUSION

Based on the information contained in this affidavit, I respectfully submit that there is probable cause to believe that Barnett, a convicted felon, has committed a violation of Title 18, United States Code, Section 922(g)(1), by his possession of a firearm (destructive device) that has affected interstate or foreign commerce.

This concludes my affidavit.


Dewane L. Krueger
Senior Special Agent, ATF

Subscribed and sworn to before me
on this 16 day of February, 2017.


The Honorable Philip R. Lammens
United States Magistrate Judge