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AO 91 (Rev. 11/82)

CRIMINAL COMPLAINT

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v. GEORGE W. GRAHAM	DOCKET NO. MAGISTRATE'S CASE NO.

2018 MAR 28 AM 11:57
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE
BY
ED18-0097M

Complaint for violation of Title 18, United States Code, Section 1855: Timber set afire.

NAME OF MAGISTRATE JUDGE		LOCATION
HONORABLE SHASHI H. KEWALRAMANI	**UNITED STATES MAGISTRATE JUDGE**	Riverside, California

DATE OF OFFENSE	PLACE OF OFFENSE	ADDRESS OF ACCUSED (IF KNOWN)
March 26, 2018	San Bernardino County	

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

[18 U.S.C. § 1855]

On or about March 26, 2018, in San Bernardino County, California, within the Central District of California, defendant GEORGE W. GRAHAM did willfully and without authority set on fire timber, underbrush, grass, and other inflammable material upon lands owned, leased by, or under the partial, concurrent, or exclusive jurisdiction of, the United States, namely, within Joshua Tree National Park.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: (See attached affidavit which is incorporated as part of this Complaint).

MATERIAL WITNESSES IN RELATION TO THIS CHARGE: N/A

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT **Myles Landry:**
	OFFICIAL TITLE National Park Service Law Enforcement Ranger

Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE[1]	DATE
	March 28, 2018

[1] See Federal Rules of Criminal Procedure 3 and 54

AUSA: Adam P. Schleifer 213-894-2686 REC: DETENTION

AFFIDAVIT

I, Myles Landry, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint against GEORGE W. GRAHAM ("GRAHAM") for a violation of Title 18, United States Code, Section 1855 (timber set afire).

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint, and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related only in substance and in part.

II. BACKGROUND FOR NATIONAL PARK SERVICE LAW ENFORCEMENT RANGER MYLES LANDRY

3. I have been a Law Enforcement Ranger ("Ranger") with the National Park Service for approximately eleven months. I previously served as a Law Enforcement Boarding Team Member and then a Law Enforcement Boarding Officer with the United States Coast Guard (the "Coast Guard") for a total of approximately four years.

4. I graduated from the Coast Guard Boarding Team Member Training Center in 2012; the Coast Guard Boarding Officer Training Center in 2015; and the Coast Guard Fisheries Boarding Officer Training Center in 2015. I also graduated from the

National Park Service ("NPS") Seasonal Law Enforcement Ranger Academy in 2016. As part of my training at the NPS Seasonal Law Enforcement Ranger Academy, I studied and became familiar with federal law, including federal regulations, concerning the use of fire and fire control on federal NPS lands. Over the past eleven months, I have participated in approximately ten to fifteen investigations into violations of federal law on NPS lands. I have received on-the-job training regarding arson investigations, and I have also discussed arson and my other investigations with more-experienced NPS rangers and other law-enforcement officers.

III. SUMMARY OF PROBABLE CAUSE

5. At approximately 9:50 p.m. on March 26, 2018, I saw three fires burning within 200 yards of, and heading toward, the Oasis Visitor Center in Joshua Tree National Park.

6. Soon after, I and my fellow rangers, Katie Ashe and Nikolaus Klutch, began clearing the area adjoining the blaze, when Ranger Klutch saw GRAHAM watching the blaze from a nearby roadway, National Park Drive.

7. Rangers Ashe, Klutch and I converged upon GRAHAM, at which point I recognized GRAHAM immediately, because GRAHAM had been trespassing in the nearby NPS headquarters parking lot the day before, taking photographs of patrol vehicles. We placed GRAHAM in handcuffs, and shortly thereafter, San Bernardino County Sheriff's Deputy Ryan Nerenberg arrived, who placed GRAHAM into his patrol vehicle, advised him of his constitutional rights, and conducted an interview.

8. GRAHAM told Deputy Neremberg that he had started the fire with a black Bic lighter. A black Bic lighter was recovered shortly thereafter within fifty yards of the site where fire investigators informed me the fire had been set.

9. I also examined shoe prints leading to and from where the fire had been set, and compared them to GRAHAM's shoes. The shoe prints and the shoes appeared to match.

IV. STATEMENT OF PROBABLE CAUSE

A. Contact with GRAHAM on Sunday, March 25, 2018

10. On or around approximately 5:00 p.m. on Sunday, March 25, 2018, I saw a man trespassing within the NPS headquarters parking lot near the Oasis Visitor Center in Joshua Tree National Park ("Joshua Tree"). Knowing this parking lot was not open to the public, I informed Ranger Ashe of what I had seen, and we both pursued the person I had seen in our patrol truck, as that person walked out of the lot and headed south on a roadway called Utah Trail.

11. When we reached this man, I asked him why he had been trespassing and taking pictures in the NPS parking lot, and he told me he had been taking pictures because he liked emergency vehicles. I requested his identification, and he handed me a paper photocopy of a California State Identification Card, which identified him as GRAHAM.

12. I conveyed GRAHAM's information to the NPS ranger dispatch center, which then ran a search of GRAHAM for any warrants and for his criminal history, and the like. The NPS dispatcher then told me and other rangers over the radio that

GRAHAM was on California parole for a prior California arson conviction.

13. Upon hearing that information, two other colleagues, Ranger Klutch and Ranger Michael Leon, drove the short distance from the Oasis Visitor Center to where I, Ranger Ashe, and GRAHAM were stopped, on the side of the road on Utah Trail.

14. Ranger Leon then contacted the San Bernardino Sheriff's Department, which dispatched deputies to the scene and conducted a pat-down frisk of GRAHAM. Finding no weapons, no arrest was made, but I issued GRAHAM a citation for violating 36 C.F.R. § 1.5(f) (violating a closure or restriction of or on NPS property).

B. Monday Night Fires, March 26, 2018

15. The following evening, at approximately 9:30 p.m. on March 26, 2018, Ranger Katie Ashe and I were in the process of issuing a citation on an unrelated matter near the Split Rock Picnic Area inside Joshua Tree, when I received a radio dispatch reporting a fire near the Oasis Visitor Center.

16. Ranger Ashe and I completed that unrelated citation as quickly as possible, and, within five minutes, began the approximately 10-minute drive toward the Oasis Visitor Center. Around the same time, Ranger Nikolaus Klutch also radioed that he was also en route to the suspected fire.

17. At approximately 9:50 p.m., as we approached the area near the Oasis Visitor Center, Ranger Ashe and I saw three separate blazes consuming groups of tall palm trees within the park. The three fires appeared to be in a line from west to

east, with closest, and most eastward fire burning approximately 200 yards west of the Oasis Visitor Center. The wind appeared to be coming from the west, blowing the blazes toward the visitor center and adjoining structures.

18. Ranger Ashe and I parked our patrol truck at the Oasis Visitor Center and immediately began clearing the visitor center and surrounding buildings and structures to ensure that no people were at risk of injury, and to confirm that there were no active fires within any manmade facilities.

19. At approximately 10:05 p.m., Ranger Klutch, who had arrived at the scene shortly before Ranger Ashe and I did, reported over the radio that he had "got him," and told us to meet him near National Park Drive, which adjoined the area of the fires.

20. When Ranger Ashe and I arrived, we saw Ranger Klutch standing approximately thirty feet from a person I immediately recognized as GRAHAM. Rangers Ashe, Klutch and I then encircled GRAHAM, and Ranger Klutch placed GRAHAM in handcuffs. As Ranger Klutch was placing GRAHAM in handcuffs, I saw San Bernardino Sheriff's Deputy Kyle Myrick arrive on the scene, followed shortly thereafter by three to four other deputies.

21. The deputies appeared to be familiar with GRAHAM from prior criminal contacts, and one deputy asked GRAHAM why GRAHAM was at the site the fire. GRAHAM said he was at the scene "just watching the fire," and added that he (GRAHAM) had called 9-1-1 to report the fire.

22. GRAHAM was then placed into a San Bernardino Sheriff's police cruiser, and Sheriff's Deputy Ryan Nerenberg stated that he was going to advise GRAHAM of his rights and conduct an interview.

23. I then learned from Sheriff's Deputy Jeff Dieckhoff that footprints had been discovered leading to and from the most westward of the three fires, and I drove toward that area and examined those footprints.

24. Soon thereafter, Deputy Dieckhoff gave one of GRAHAM's shoes to Ranger Ashe, and Ranger Ashe gave the shoe to me and Ranger Klutch. We compared GRAHAM's shoe with the prints; the prints and the shoes appeared to match.

25. While I was standing near the footprints, three or four San Bernardino Sheriff's deputies approached, and Deputy Nerenberg told me that GRAHAM had admitted to starting the fires, and that GRAHAM had also told officers that he had done so with a black Bic lighter.

26. The deputies then began to search for that lighter, and found it within approximately fifty yards of the footprints that appeared to match GRAHAM's shoe.

27. I also learned shortly thereafter, from David Carrera, a Bureau of Land Management ("BLM") fire inspector, and Tim Tate, a San Bernardino County fire inspector, that the area where I had seen the footprints was also the site where the three fires had been started.

C. GRAHAM Lacks Authority to Light Fires in Joshua Tree

28. From my training and experience, I know that NPS regulations prohibit the lighting of uncontrolled fires, as well as fires set outside of particular, controlled areas, which have defined fire grates and other safety features and characteristics.

29. I also know, from my training and experience, that fires are prohibited entirely in the area within Joshua Tree where the three blazes were set on the night of Monday, March 26, 2018.

V. CONCLUSION

30. For all the reasons described above, there is probable cause to believe that GRAHAM has committed a violation of 18 U.S.C. § 1855, Timber Set Afire.

/s/
Myles Landry
Law Enforcement Ranger
National Park Service

Subscribed to and sworn before me
this 28th day of March, 2018.

HONORABLE SHASHI H. KEWALRAMANI
UNITED STATES MAGISTRATE JUDGE