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232

THE STATE OF TEXAS  
VS.  
ROBERT CARROLL GILLHAM

SPN: 00764172  
DOB: WM 08 02 42  
DATE PREPARED: 7/28/2009

D.A. LOG NUMBER: 1540458  
CHS. TRACKING NO.:  
BY: AA DA NO: 051617700  
AGENCY: ELAB  
O/R NO: 090538  
ARREST DATE: TO BE

FILED  
Loren Jackson  
District Clerk  
JUL 28 2009  
12:00 PM  
Harris County, Texas

NCIC CODE: 2001 03  
RELATED CASES:  
FELONY CHARGE: ARSON  
CAUSE NO: 1226030  
HARRIS COUNTY DISTRICT COURT NO: 232  
FIRST SETTING DATE:

BAIL: \$500,000  
PRIOR CAUSE NO:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, ROBERT CARROLL GILLHAM hereafter styled the Defendant, heretofore on or about MAY 21, 2009, did then and there unlawfully START A FIRE by IGNITING AN IGNITABLE LIQUID with the intent to destroy and damage A BUILDING LOCATED AT 6006 NORTH FREEWAY owned by JAMES MCINGVALE, and the Defendant knew that the BUILDING was within the incorporated limits of a city, namely HOUSTON, TEXAS, AND knew that the BUILDING had located within it property belonging to another, AND was reckless about whether the burning would endanger the life of a person and the safety of the property of another, to-wit: BY SETTING THE FIRE IN AN OCCUPIED BUILDING.

It is further presented that by reason of the commission of this offense the Defendant caused BODILY INJURY to be suffered by NORMAN HICKS, JEREMY HUNT, AND RAFAEL GARCIA.

It is further presented that at the time the Defendant committed the felony offense of on or about MAY 21, 2009, as hereinabove alleged, he used and exhibited a deadly weapon, namely, A FIRE during the commission of and during the immediate flight therefrom.

Probable Cause

Affiant, M.G. Abowd is a credible person reputedly employed as a Special Agent by the U.S. Bureau of Alcohol, Tobacco and Firearms (hereinafter ATF). Your affiant believes and has reason to believe that the defendant Robert Gillham committed the offense of ARSON on May 21, 2009, in Harris County, Texas.

MY BELIEF IS BASED UPON THE FOLLOWING FACTS:

Your affiant was a Houston Police Officer for ten years and has been an ATF Special Agent employed by the Houston Field Division of ATF for the past ten years. Your affiant learned that on May 21, 2009, at approximately 8:30pm, a fire destroyed a Gallery Furniture warehouse owned by Jim McIngvale located on the North Freeway, in Harris County, Texas. On May 22, 2009 your affiant responded to the location and observed a recently burned and completely destroyed metal warehouse building. At the scene, your affiant spoke to ATF Special Agent Eric Evers, a certified fire investigator who told your affiant (and later wrote a report read by your affiant) that he examined the scene and determined that the fire was intentionally set in the northeast corner of the warehouse near an exit door close to a generator. Agent Evers stated that, working with engineers and others, he eliminated all accidental causes of the fire and determined that the fire was incendiary. Evers told your affiant that a melted red plastic believed to be the remains of a gas can was found in the area of origin. Evers stated that samples were taken from the suspected area or origin to the ATF Forensic Lab and subsequent tests showed that the three samples recovered from that area tested positive for gasoline.

Jul-29-2009 01:32 PM Harris County DA's Office 713-368-9275

Your affiant interviewed [redacted] and [redacted] who told him that they are employees of Gallery Furniture and that on May 21, 2009, approximately 8:30pm, immediately prior to the aforementioned fire, they were driving a delivery truck through the back northeast parking lot of the store when they saw a red, 4-door car, described as either a Dodge or Chrysler, parked at the northeast exit door near the generator. [redacted] stated that a few minutes later, he saw a white male wearing a "hoodie" coming from the northeast door walking toward the red car. [redacted] stated he heard tires squeal and he looked up to see the red car almost hit him as it left the scene at a high rate of speed. Both witnesses told your affiant that immediately after the red car sped off they saw smoke at the area of the northeast door.

Your affiant received information that a white male named Robert Gillham may be involved in the fire and in response, on June 4, 2009, your affiant drove by Gillham's home at [redacted] and in front of the house saw a red, four-door, Dodge Stratus matching the description given by [redacted] and [redacted]. Records showed that the car ([redacted]) was registered to [redacted].

Your affiant then spoke to [redacted] who told your affiant that starting in late 2008 or early in 2009, he received a call from a white male he knows by name, sight and voice as an ex-co-worker named Robert Gillham and Gillham asked him if he would burn down Gallery Furniture for \$3,000 or \$4,000. [redacted] asked Gillham why he wanted to do this and if he was serious and Gillham stated he wanted to burn the Gallery Furniture store because he was angry at Jim McIngvale. [redacted] told your affiant that Robert Gillham said if you don't want to do it, can you find someone that will and you can still make some money.

Your affiant interviewed [redacted] with ATF Agent Joel Marquez translating from Spanish to English. [redacted] told your affiant and [redacted] that an ex-co-worker who he knows by name, sight as Robert Gillham came to his house in the fall of 2008, and asked [redacted] to burn down the Gallery Furniture store. [redacted] stated that Gillham asked him numerous times that if he didn't want to do it himself to help him find someone who would.

Your affiant spoke to [redacted] who stated that she is Robert Gillham's girlfriend and beginning in May, 2009, Gillham told her at least three times prior to the aforementioned fire that he wanted to burn down the Gallery Furniture store using gasoline and that one time he asked her if he could borrow her car to do it. [redacted] stated that Gillham told her he wanted to do it on a Thursday and he could get in and out of the store because he knew where the cameras were. [redacted] told your affiant that Gillham assured her that he used her car he would change the license plates on the car when he did it. [redacted] told your affiant that on May 21, 2009, Gillham invited her over to his house in the evening and as she remained at his home on [redacted], he left in her red, 4-door Dodge Stratus. She said that Gillham was gone for approx. 45 minutes to an hour and when he returned he told her that, "I'm ok, it's done". [redacted] stated that when she left Gillham's house that night she smelled gasoline when she got back inside her car.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on July 28, 2009

  
AFFIANT

  
ASSISTANT DISTRICT ATTORNEY OF HARRIS COUNTY, TEXAS. BAR NO. 0617700

COMPLAINT

Certified Document Number: 42890967 - Page 2 of 3