

<b>United States District Court</b>		DISTRICT Eastern District of Pennsylvania	
UNITED STATES OF AMERICA  v.  MARK GILLIAM		DOCKET NO.	
		MAGISTRATE'S CASE NO.	
Complaint for violation of Title 18, United States Code, Section 844(i)			
NAME OF JUDGE OR MAGISTRATE  Honorable THOMAS J. RUETER		OFFICIAL TITLE  U.S. Magistrate Judge	LOCATION  Philadelphia, PA
DATES OF OFFENSES January 25, 2009	PLACE OF OFFENSE Thorndale, Pennsylvania, in the Eastern District of PA	ADDRESS OF ACCUSED (if known) 1659 Suzanne Drive, West Chester, Pennsylvania	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:  On or about January 25, 2009, in Thorndale, in the Eastern District of Pennsylvania, MARK GILLIAM, maliciously damaged or destroyed, and attempted to damage and destroy, by means of fire, a building, that is, the Happy Days Family Bistro located at 3470 East Lincoln Highway, in Thorndale, PA, used in interstate commerce, or in activity involved in interstate commerce, in violation of Title 18, United States Code, Section 844(i).			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:  SEE AFFIDAVIT ATTACHED HERETO.			
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:  SEE AFFIDAVIT ATTACHED HERETO			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title)  Jesse Lampf	
		OFFICIAL TITLE Special Agent, Bureau of Alcohol, Tobacco, Firearms & Explosives	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE <sup>(1)</sup>  Honorable THOMAS J. RUETER, United States Magistrate Judge			DATE

1) See Federal Rules of Criminal Procedure rules 3 and 54.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA  
v.

WARRANT FOR ARREST

MARK GILLIAM

CASE NUMBER:

To: The United States Marshal and any Authorized  
United States Officer

YOU ARE HEREBY COMMANDED to arrest **MARK GILLIAM**

and bring him or her forthwith to the nearest magistrate judge to answer a  
Complaint  
charging him with (brief description of offense)

On or about January 25, 2009, in Thorndale, in Chester County, in the Eastern District of Pennsylvania, MARK GILLIAM, maliciously damaged or destroyed, and attempted to damage and destroy, by means of fire, a building, that is, the Happy Days Family Bistro, located at 3470 East Lincoln Highway, in Thorndale, PA, used in interstate commerce, or in activity involved in interstate commerce, in violation of Title 18, United States Code, Section 844(i).

In violation of Title 18, United States Code, Section 844(i)

Honorable THOMAS J. RUETER

United States Magistrate Judge

Name of Issuing Officer

Title of Issuing Officer

February 20, 2009, Philadelphia, Pennsylvania

Signature of Issuing Officer

Date and Location

Bail fixed at \$ \_\_\_\_\_ by \_\_\_\_\_  
Name of Judicial Officer

**RETURN**

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER Jesse Lampf, Special Agent, Bureau of Alcohol, Tobacco, Firearms & Explosives	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

DWolf Authorizing



IT IS FURTHER ORDERED THAT the complaint, warrant and affidavit, and corresponding docket entries, shall be unimpounded immediately upon notification by the United States Attorney, or his representative, that the defendant has been arrested or upon further order of the Court.

BY THE COURT:

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Hon. THOMAS J. RUETER  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :  
v. : MAGISTRATE NO.  
CERTAIN PERSONS :

**MOTION TO IMPOUND COMPLAINT AND WARRANT**

The United States of America, by and through its attorneys, Laurie Magid, United States Attorney in and for the Eastern District of Pennsylvania, and, Assistant United States Attorney for that District, moves that the complaint, warrant and affidavit, and corresponding docket entries in the within criminal proceeding be impounded, and, in support thereof, alleges that if the existence and content of these documents are made public prior to the arrest of the defendant there is the risk that the safety of victim/witnesses may be jeopardized, that the ongoing investigation may be compromised, and that the defendant will flee, thereby hindering the execution of the arrest warrant.

WHEREFORE, the government respectfully requests that this Court enter an order directing that the complaint, warrant and affidavit, and corresponding docket entries, in the above-mentioned case be IMPOUNDED and be retained in the custody of the Clerk of Court until further order of the Court or until notified by the United States Attorney, or his representative, that the defendant has been arrested, except for the two certified copies of the warrant to be provided to the United States Marshal's Service and Special Agent Jesse Lampf, Bureau of Alcohol, Tobacco, Firearms and Explosives. The government further requests that the Clerk of Court be directed to make no public docket entry of the sealed documents and motion

and order to seal, and to provide copies of all sealed documents only to Denise S. Wolf, Assistant United States Attorney, or his designee, until further order of the Court or until notified by the United States Attorney, or his representative, that the defendant has been arrested.

Respectfully submitted,

LAURIE MAGID  
United States Attorney

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DENISE S. WOLF  
Assistant United States Attorney

## AFFIDAVIT

I, Jesse Lampf, having been duly sworn, depose and state the following:

1. I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed for 8 years. I am currently assigned to the ATF Philadelphia Field Office and have acquired training, knowledge and experience in federal and state arson investigations. I have participated in the execution of approximately 100 arrest warrants.
2. I know the information set forth in this affidavit personally, through Special Agents of ATF, the Joint Arson Task Force, or confidential sources and witnesses described further in this affidavit. The Joint Arson Task Force (hereinafter "Task Force") is the multi-agency law enforcement body that is jointly investigating a series of arson fires in Coatesville, PA and the surrounding area from January 2008 to the present. This Task Force consists of members of ATF, the Federal Bureau of Investigation, Pennsylvania State Police, Coatesville Police Department, Chester County Detectives, Chester County District Attorney's Office, and the United States Attorney's Office for the Eastern District of Pennsylvania.
3. Because this affidavit is submitted for the limited purpose of establishing probable cause to arrest Mark Gilliam, I have not included every fact known to me concerning this investigation. The information contained in this Affidavit is based on my personal knowledge and on information provided to me by other agents and law enforcement officers involved in this investigation and drawn from law enforcement, court, and business records.

### Background of Coatesville Area Arsons

4. Since February 4, 2008, there have been approximately sixty-six (66) arson fires in the City of Coatesville and surrounding areas. Forty-three (43) occurred in 2008 and twenty-three (23) since the beginning of 2009. Most of the arsons, which involved occupied private residences, were set in the City of Coatesville and targeted porches, decks, and sheds. At least one fire occurred at a commercial business in Thorndale, Pennsylvania. All of the fires have been determined to be incendiary (or intentionally set), and using available combustible materials already located on the property (for example porch furniture, trash cans, garbage, etc.)

### Mark Gilliam

5. Mark Gilliam is a 20-year old, Caucasian male, who permanently resides at 1659 Suzanne Drive, West Chester, PA, with his mother and/or aunt. Additionally, Gilliam stays at 258 Church Street, Downingtown, PA with his girlfriend.

### Gilliam's Involvement as a Volunteer Firefighter

6. Based on my investigation, it was learned that Gilliam could be characterized as a "want-to-be" firefighter. Gilliam applied to be a firefighter at the West Bradford 39 Fire Department in West Bradford, PA on or about January 1, 2009. Gilliam was issued firefighting gear for training purposes. However, his application was formally denied on or about February 11, 2009. Around that time, Gilliam returned the gear that had been issued to him. Although he was never formally a firefighter, he represented to others that he indeed was. It was also learned in the course of my investigation that Gilliam stole a fire radio from the Thornburg Fire Department in Chester County, which was used to notify firefighters as to alarms. Gilliam returned the stolen radio only after he was confronted by an official from the Thornburg Fire Department.
7. Despite the fact that Gilliam was not an official volunteer firefighter, authorized to participate in internal fire suppression efforts, Gilliam purchased his own "turn-out" firefighting gear, which included heavy, flame retardant pants, coat, helmet, and boots. In addition, as described in more detail below, Gilliam drove a 1995 Ford Thunderbird, which was illegally equipped with nine strobe lights to make it appear that he was, in fact, an official firefighter.

### Gilliam's Involvement with Incendiary Devices

8. On or about March 28, 2006, Gilliam came to the attention of the Phoenix Police Department in Phoenix, Arizona. It was found that Gilliam made acid bottle bombs in a garage at 3409 W. Lucia Drive in Phoenix. Gilliam admitted mixing the chemical of muriatic acid with the component of aluminum foil in a closed plastic bottle knowing that the bottle would explode. Gilliam capped these containers and deposited at least one of the devices on the property located at 3417 W. Lucia Drive with the intent that the device explode.

### Gilliam's Recent Flight From the Pennsylvania State Police

9. Pennsylvania State Police Trooper Dustin C. Shireman, assigned to the Lancaster State Police Barracks, participated in the February 19, 2009 search of Mark Gilliam's residence located at 1659 Suzanne Drive in West Chester, PA. During the search, Trooper Shireman observed a black 1995 Ford Thunderbird parked in



the garage of the residence. Trooper Shireman was aware that a vehicle fitting this description was involved in a high-speed flight on or about February 8, 2009 from Pennsylvania State Police Troopers. Trooper Shireman also knew that Mark Gilliam had been charged with fleeing from the police and that Gilliam had admitted to this offense. As a result, Trooper Shireman concluded that the black 1995 Ford Thunderbird observed in the garage was the same vehicle driven by Gilliam during the February 8, 2009 high speed chase. Trooper Shireman observed that the vehicle had an August 2003 inspection sticker, meaning it had not been inspected as required by law in more than 5 years. He also observed that the vehicle was equipped with nine strobe lights that are illegal for a civilian, such as Gilliam, to have on his vehicle. While Gilliam was authorized to have two revolving flashing lights as a volunteer fireman, it was illegal for him to have nine separate flashing lights on the vehicle. The vehicle did not have a license plate.

10. On February 19, 2009, during a search of a bedroom inside the residence located at 258 Church Street in Downingtown, PA, investigators recovered a stolen Pennsylvania license FGC7322 registered to a Jeep.
11. On February 8, 2009, at approximately 6:00 p.m., Pennsylvania State Troopers responded to 1426 Marshalton-Thorndale Road in West Bradford Township in Chester County in response to a report for a suspicious vehicle in the parking lot. When a trooper activated his emergency lights to initiate a traffic stop, the driver, later identified as Mark Gilliam failed to stop and accelerated past the officer out of the parking lot. A high speed chase ensued during which Gilliam drove in excess of 60 miles an hour in a road with a 35 mile per hour speed limit. Gilliam sped past vehicles on the shoulder of the roadway and also used oncoming lanes of travel. The trooper involved in the chase crashed resulting in damage to his police vehicle. Subsequent investigation led investigators to interview Mark Gilliam who confessed that he drove the vehicle during the pursuit and explained that he fled because he was on parole and scared. The vehicle driven by Gilliam displayed a stolen license plate FGC7322.

#### Happy Days Family Bistro Arson

12. Happy Days Family Bistro ("Happy Days") is an eating establishment located at 3470 East Lincoln Highway in Thorndale, PA, that is open for business 24 hours per day, 7 days per week. ATF agents confirmed that Happy Days is a commercial establishment that regularly affects interstate commerce as it uses vegetables and other produce, including ketchup, mushrooms, peppers and potatoes, shipped from US Foodservice, Inc. located in Swedesboro, New Jersey.
13. On January 25, 2009, at approximately 4:22 a.m., the owner of Happy Days reported a fire in the restaurant. The fire started in the customer's men's bathroom

in the ceiling tiles above the stall. Investigators found a white tissue-type paper on the floor between the toilet and the wall underneath where the fire had been set. The tissue-type paper appeared to have been handled and twisted.

14. ATF Special Agent Gerard Piotrowicz, a certified fire investigator, concluded that the January 25, 2009 fire at Happy Days was incendiary.
15. On January 25, 2009, Person # 1 stated that he was at Happy Days in the early morning hours. The witness stated that when he went to the men's bathroom, he observed someone "fumbling" around with the ceiling tiles. He indicated that it appeared as though the individual was standing on the toilet inside the stall and had his hands inside the ceiling. The witness stated that a short time later emergency vehicles with flashing lights and sirens arrived in the parking lot and the witness learned about the fire inside the bathroom.
16. On February 11, 2009, Person # 1 identified Gilliam from a photo array containing 24 photographs as the "closest to his recollection" of the man he saw in the men's bathroom at Happy Days prior to the onset of the fire minutes later on January 25, 2009.
17. On January 25, 2009, after the fire at Happy Days was reported and while local criminal investigators were involved in processing the scene inside the men's customer bathroom, Gilliam approached the investigators. Gilliam stated he was tired because he was running with the fires in Coatesville all night.<sup>1</sup> When asked whether he was a firefighter, Gilliam replied in the affirmative and pointed to his shirt that had a West Bradford fire company emblem on it. Gilliam returned to the dining area.
18. At a later time, Gilliam returned to the men's bathroom. Gilliam asked the local criminal investigator how to lift fingerprints and whether you could get fingerprints off of wood. When the local criminal investigator answered yes, Gilliam said, "really?" and left.
19. Local criminal investigators, when finished with their investigation in the bathroom, observed Gilliam sitting at a table at a booth inside Happy Days. Gilliam approached the investigators and asked whether he could clean up the bathroom. Approximately four hours had passed between the time Gilliam first approached the local criminal investigators until the time the investigators departed.

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<sup>1</sup> At approximately 11:30 p.m., on January 24, 2009, or approximately five hours before the Happy Days Fire, a massive incendiary fire consumed 15 residences, occupied by approximately 82 people, located at the Fleetwood Street row homes in Coatesville.

Person # 2

20. Person # 2 was a personal acquaintance of Gilliam's and they have known each other for more than a year.
21. In an interview on February 18, 2009, Person # 2 said that he met Gilliam at Happy Days in the morning after the January 25, 2009 fire. They sat at a table in a booth in the dining area. Person # 2 observed police officers working in the bathroom. Person # 2 recalled that Gilliam went into the bathroom and observed him talking with the police officers. When Gilliam returned to the table, he told Person # 2 that he started the Happy Days fire. He described that, to start the fire, he went into the men's bathroom, stood on the toilet, and put a paper in the ceiling. Person # 2 commented to Gilliam that his fingerprints could be found, to which Gilliam nodded in agreement.
22. Person # 2 also stated that, on a date different from the Happy Days fire, Gilliam had also admitted to starting fires at "3 houses before the first call came in."

Roger Barlow, Jr.

23. Roger Barlow is a 19-year old, Caucasian male, charged elsewhere, who resides, with his parents and sister, in Downingtown, PA. Barlow met Gilliam at a vocational school approximately two years ago.
24. In a lengthy interview on February 18, 2009, Barlow stated that he went to Happy Days with Gilliam and Person # 2 on or about February 8, 2009. According to Barlow, they sat at a table in a booth chosen by Gilliam because he stated that he typically sits there. According to Barlow, at some point after Person # 2 left the table, Gilliam started talking about the Happy Days fire. Gilliam told Barlow that he started the fire and described that he got up in the ceiling tiles in the men's bathroom and lit a rag, which started the fire.
25. Barlow further stated that he, Gilliam and Person # 2 went outside Happy Days for a cigarette, where Gilliam mentioned that he was concerned that his fingerprints were around the stall and ceiling tiles in proximity to the fire location.
26. Barlow also told federal investigators that he and Gilliam were responsible for numerous additional Coatesville fires. Specifically, Barlow stated that he would pick Gilliam up at his residence at 1659 Suzanne Drive and they would drive together to the City of Coatesville to set fires. According to Barlow, Gilliam brought to the fire scenes in the Coatesville area a greenish duffel bag containing a metal can of a flammable liquid, rags, and cigarette lighters. Barlow further described Gilliam wearing all black clothing, including a black-hooded sweatshirt,

black pants and black footwear. Barlow also described how he, too, was involved in starting these fires.<sup>2</sup>

Search Executed at Residence of Gilliam

1659 Suzanne Drive, West Chester, PA

27. On February 19, 2009, federal agents executed a search warrant at the premises of 1659 Suzanne Drive, West Chester, PA, where Gilliam resided. Gilliam was present when the search was initiated.
28. In the garage, federal agents found on a workbench a Daily Local News article dated January 26, 2009, and entitled "State of Emergency" about the city block engulfed in flames in Coatesville. On the top of a trash container in the garage, federal agents found another newspaper article dated January 7, 2009 relating to the Oak Street fire in Coatesville. Based on my training and experience and my conversations with other federal agents, fire setters will commonly collect newspapers articles about the fires they start.
29. Underneath another workbench in the garage, federal agents found two sets of boots and a firefighter's helmet. In one of the boots was a 16 oz. container of Pyrodex - The Muzzleloading Propellant. This is a synthetic black powder substitute, which can be used to produce more intense heat to already combustible materials. However, Pyrodex is more commonly used in improvised explosive or incendiary devices, such as pipe bombs, chemical devices, or other illegal explosive homemade mixtures.
30. In Gilliam's bedroom, on the floor under a pile of clothes, federal agents found a "hobby rocket engine" wrapped in electric and duct tape with multiple matches attached. This device can be used as an initiator in a "firing train" in incendiary devices. One reason to use this device is to create a "delay system" for an incendiary device, providing an arsonist with the opportunity to set a fire and then get away prior to the fire being detected.
31. Additionally, black clothes for a male, including a black hooded sweatshirt and black pants from his residence were seized.

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<sup>2</sup> After a consensual phone call placed by Barlow to Gilliam on February 18, 2009, Barlow retracted some of his earlier statements and denied that Gilliam had any involvement in the fires located in the City of Coatesville. However, Barlow did not retract his earlier statements about Gilliam's admission to the Happy Days fire. On February 19, 2009, the Chester County District Attorney's Office charged Roger Barlow with multiple counts of arson and related crimes based on evidence of his involvement in a number of the Coatesville fires.

Based on the foregoing information, I submit there is probable cause to believe that on or about January 25, 2009, MARK GILLIAM maliciously damaged or destroyed, and attempted to damage and destroy, by means of fire, a building, that is, the Happy Days Family Bistro located at 3470 East Lincoln Highway, Thorndale, PA, affecting interstate commerce, in violation of Title 18, United States Code, Section 841(i). I, therefore, respectfully request that the application for a warrant to arrest MARK GILLIAM be granted.

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JESSE LAMPF  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives

Subscribed to and sworn before  
me this 20th day of February, 2009.

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HONORABLE THOMAS J. RUETER  
United States Magistrate Judge