

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Eastern District of Arkansas

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

NOV 20 2023

By: **TAMMY H. DOWNS, CLERK**
DEP CLERK

United States of America)

v.)

Miles Caldwell)

Case No.

4:23-mj-00264-JTK

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 November 16, 2023 in the county of Pulaski in the Eastern District of Arkansas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 U.S.C. Section 844(i)	Arson

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

**Issued by telephone pursuant to Rule 4.1 and 41(d)(3)
of the Federal Rules of Criminal Procedure**

Complainant's signature

Senior S.A. Shannon L. Hicks, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/20/23

City and state: LR, AR

Judge's signature

Honorable Jerome T. Kearney

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Shannon L. Hicks, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am an investigative or law enforcement officer of the United States, within the meaning of Title 18, United States Code (USC) Section 2510(7) and am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code (USC) Section 2516. I am a Senior Special Agent (SSA) and Certified Fire Investigator (CFI) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), assigned to the Little Rock Field Office. I have been employed as an ATF Special Agent since September of 2000. While at the ATF National Academy, I received extensive training in investigating federal firearms, explosives, arson, and narcotics related violations, as well as surveillance, establishing probable cause, and executing search and arrest warrants. Further, I am a member of ATF's National Response Team. Additionally, I was enrolled in graduate studies at Oklahoma State University's Arson, Explosives, Firearms and Toolmarks Investigation program from 2019 until 2022 and earned a graduate certificate in December 2022.

2. I have participated in numerous criminal investigations with ATF, as well as other federal, state, and local law enforcement agencies relating to violations of federal laws involving firearms, explosives, arson, and narcotics. Accordingly, I have been involved in the execution of search warrants and arrest warrants pertaining to these offenses.

3. The facts in this affidavit come from personal observations, training and experience, and information obtained from other law enforcement officers/fire investigators, witnesses, and digital media. This affidavit is intended to establish probable cause and does not set forth all of my knowledge about this matter. Based on my training and experience, and the

facts as set forth in this affidavit, there is probable cause to believe that violations of 18 United States Code § 844(i) – maliciously damaging or destroying, or attempting to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce – have been committed by Miles Andrew CALDWELL.

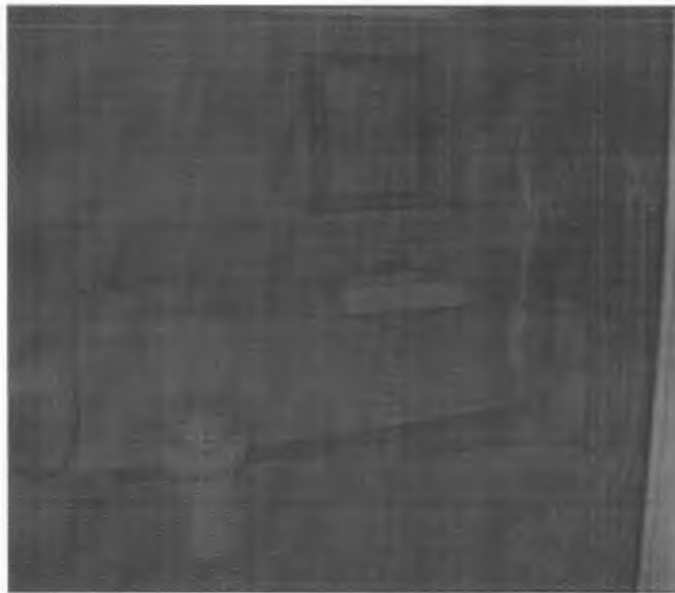
PROBABLE CAUSE

4. On or about November 16, 2023, at approximately 11:30 AM, Little Rock Fire Department (LRFD) and Little Rock Police Department (LRPD) responded to a fire alarm at a commercial structure, determined to be Little Rock Athletic Club (LRAC), located at 4610 Sam Peck Road, Little Rock, AR 72223. Upon arrival, the presence of fire at the location was confirmed, and additional units were dispatched.

5. Responding firefighters with LRFD Engine 16 reported that they were directed to the location of the fire by two employees of the LRAC. Upon entering the structure on the north side, firefighters observed the presence of a small amount of black smoke coming from the north side entrance to the building. Firefighters grabbed fire extinguishers, donned self-contained breathing apparatus, and entered the structure. Employees stated that they believed the building had been evacuated. Fire was not immediately observed, but smoke was found to be present in a first-floor bathroom as employees had indicated. The bathroom was later determined to be located within feet of the childcare facility in the building.

6. LRFD Fire Marshal (FM) Melissa Peabody responded. Upon arrival, FM Peabody took photographs of the outside of the building and spoke with LRFD Engine 16 Captain Lee Brandon, who directed her to the men's restroom located on the first floor of the building. She observed fire on the first level had been contained to this room. She noted that the

fire originated in the area of a battery-powered (motion activated) paper towel dispenser, which had been removed by fire crews from the wall and taken to the exterior of the building. Based on FM Peabody's investigation, the fire involving the paper towel dispenser had been extinguished by an employee with hand-held fire extinguisher.



Overall view of first level men's restroom where fire had been confined to a battery-powered (motion activated) paper towel dispenser, removed from its wall-mounted location by firefighters.



At left, ceiling view of first level men's restroom at ceiling level; at right, closer view of wall where paper towel dispenser had been removed.



Views of fire damaged paper towel dispenser removed from first level men's restroom.

7. Captain Brandon informed FM Peabody that, while checking for fire extension on the second level, he found evidence of another fire in the men's restroom on the second level. FM Peabody observed evidence of two separate and uncommunicated fires in the second level men's restroom. She noted that these fires involved both a battery-powered paper towel dispenser and the contents of a plastic trash receptacle beneath it. Evidence of a second uncommunicated fire was located on a separate wall in the area of the wall-mounted commercial toilet paper dispenser (which was not powered). FM Captains Joey Baldwin and Franklin Livingston were requested to assist in the investigation, as evidence of multiple incendiary fires had been located.



At left, view of second-level men's restroom battery-powered (motion activated) paper towel dispenser and plastic trash receptacle; center, closer view of paper towel dispenser; at right, view of fire damaged contents of plastic trash receptacle.

8. FM Peabody specifically examined the second level restroom's paper towel dispenser. It was documented to be a Tork brand paper towel dispenser model 5511282 Matic Hand Towel Dispenser with Intuition Sensor, powered by three (3) individual "D" sized batteries. The interior of the dispenser was examined, and all batteries were found to be intact and undamaged by fire, inconsistent with accidental fire origin on the interior of the dispenser.



At left, exterior label of Tork paper towel dispenser in second level restroom; at right, interior of dispenser with power indicator light visible.

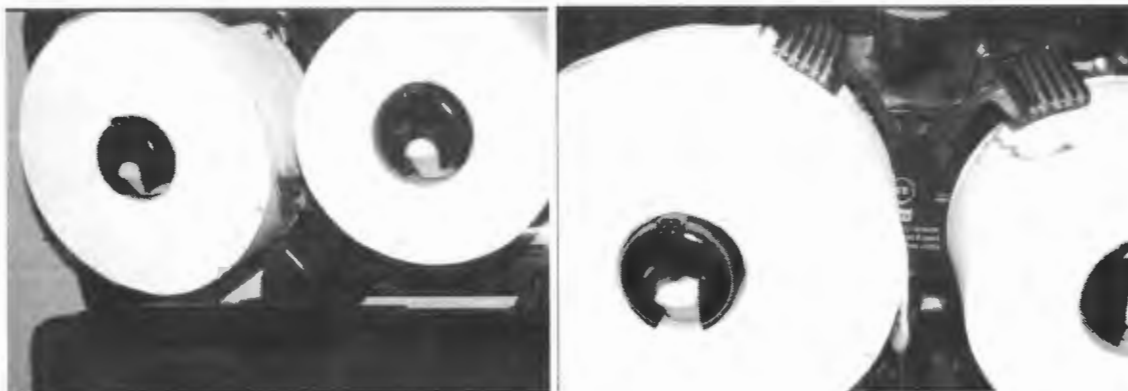


At left, charred end of paper towel roll exposed to fire; at right intact batteries inside dispenser.

9. FM Peabody documented the charred remains of toilet paper on the bathroom floor beneath the wall-mounted toilet paper dispenser. She further documented the interior of the toilet paper dispenser and found that the two rolls of toilet paper mounted inside each displayed evidence of charring to the ends of the exposed paper. There were no sources of accidental ignition located in the area of the wall-mounted toilet paper roll.



At left, remains of charred toilet paper on floor beneath wall-mounted toilet paper dispenser; at right, intact exterior housing of toilet paper dispenser.



Views of interior of toilet paper dispenser showing charred ends of toilet paper on rolls inside.

10. Based on LRFD FM's scene examination and subsequent investigation, there were three separate, uncommunicated fires located in two separate restrooms on different levels of the structure inside the LRAC. First responders preliminarily determined the fires within the structure appeared incendiary in origin.

11. On that same date, at approximately 3:49 PM, LRFD was dispatched to a fire in the men's restroom at 10 Fitness, located at 10901 N. Rodney Parham Road, Little Rock, AR, 72212. LRFD Engine 16 responded to 10 Fitness as a reported fire at a commercial structure. Upon arrival, they reported no visible fire or smoke from the exterior, but noted occupants were standing out front. Firefighters were advised that the men's main bathroom had been involved in a fire incident. Firefighters observed smoke present in the main gym, with heavier smoke in the area of the main bathroom. In the men's restroom, firefighters found two toilet paper rolls that were partly burned.

12. FMs Peabody, Baldwin, and Livingston responded to 10 Fitness to investigate. They found that fire had only been present in the handicapped bathroom stall of the men's locker room. The wall-mounted toilet paper dispenser and the two rolls of toilet paper that had been contained inside the dispenser were found to be fire damaged and lying on the floor beneath. There was melting to the plastic dispenser components, and the toilet paper was partially consumed and charred. There were no sources of accidental ignition present in this area. First responders preliminarily determined the fire within the structure appeared incendiary in origin.



At left, view of men's locker room with smoke haze visible; at right, exterior of bathroom stalls in men's locker room.



View of interior of handicapped men's bathroom stall at 10 Fitness with shadowing fire patterns visible on the tile wall where the toilet paper dispenser had previously been mounted.



Closer view of fire damage to plastic dispenser and toilet paper rolls.

13. Based on his review of video from LRAC, FM Livingston made the following observations: while watching the video from the camera facing down the tennis hallway towards the men's restroom and the daycare, the suspect (later determined to be CALDWELL and referred to hereinafter as CALDWELL) can be observed walking down the hall towards the restroom and turn the corner just past it. He then comes back around the corner and enters the men's restroom. CALDWELL remains in the restroom for approximately 1 minute and 53 seconds, then exits and walks down the hall past the adjacent open and operating daycare with several children inside. He proceeds out onto the basketball court to shoot a few baskets and hit the punching bag.

CALDWELL then leaves the basketball court after just over four minutes and heads back down the hallway past the daycare. He turns right past the daycare and presumably goes upstairs to start the second fire in the men's restroom, directly over the downstairs restroom he had already been in. At approximately 1 minute and 5 seconds after CALDWELL goes upstairs, ladies in the tennis hallway report starting to smell smoke, then smoke becomes visible. At the time the smoke is observed, it had been approximately 5 minutes and 43 seconds since CALDWELL walked out of the downstairs men's restroom. At no point in the time from when CALDWELL left the downstairs men's restroom to the time the smoke was first observed did anyone else enter that restroom as observed on the video.

14. 10 Fitness personnel assisted the FMs in obtaining video surveillance footage and examining the roster of members who had scanned into the center around the time of the fire. The FMs reviewed portions of surveillance video from 10 Fitness and observed that an individual, later identified as CALDWELL, was wearing the same clothes, shoes, and headphones as the suspect from the LRAC fires was located on video. CALDWELL was seen as he entered the restroom and no one else entered it until over one minute after he exited the bathroom. The fire was discovered and reported quickly thereafter as smoke became visible entering the gym from the locker room/bathroom area.

15. In total, CALDWELL was inside 10 Fitness for approximately five minutes. From the camera footage I observed, he did not interact with any piece of gym equipment or otherwise appear to have any "gym-related" reason to be present, other than to set a fire. CALDWELL then remained in his vehicle for approximately 10 additional minutes. He did not depart the parking lot until after LRFD Engine 16 arrives to respond to the fire.

16. From the roster of individuals who scanned in at 10 Fitness, a list of names was produced. Some names were accompanied by photographs, while others were not. Of those with photographs, some individuals were preliminarily eliminated by investigators based on their dissimilar appearance to the suspect observed at LRAC. There were only a few persons who remained on the list to compare to the video footage of persons entering and exiting to try to narrow the membership list.

17. Of the persons remaining on the list, investigators were able to compare the check-in times with the names on the list, also comparing the individuals to their observations of the subject they viewed on video footage at LRAC. When comparing the video footage at both fire scenes, they observed that the footage appeared to depict the same person based on the build, headphones, physical appearance, and clothing. Based on specific observations at 10 Fitness of video footage and check-in times, they were able to make a positive identification of the suspect at both locations as the individual who scanned into 10 Fitness utilizing the membership associated with Miles Andrew CALDWELL (white male, DOB: 8/6/2004).



At left, screen shot from CALDWELL's 10 Fitness Membership; at right, printout of CALDWELL's Arkansas Driver's License.

18. A white sports utility vehicle, later confirmed to be a Jeep Cherokee, was developed as a suspect vehicle and its tag was partially identified. During the investigation, the tag was later confirmed as 472ZVK.

19. The following approximate timeline was developed involving the vehicle and its sole occupant, Miles Andrew CALDWELL, from multiple data sources. While the time stamps listed are documented, note that the images below may have been captured a few seconds before or after the time stamp listed. Times listed are approximate, not exact. The integrated timeline that follows incorporates observations by FM Livingston, FM Baldwin, and me:

11:00:40 AM: CALDWELL's vehicle pulls onto the LRAC parking lot and parks. Based on FM Livingston's review of video, he remains in his parked vehicle for approximately 15 minutes.



11:15:21 AM: CALDWELL exits the vehicle near Court #7 and takes a red, black, and white tennis bag out of the vehicle. He walks around in the parking lot for some time, appears to pick up a tennis ball near the fence, and then returns the bag to the vehicle before proceeding toward the building.



11:18:22 AM: CALDWELL enters the building wearing a dark long-sleeved pullover with Razorback emblem and dark colored pants, black and white shoes, and black headphones.



11:18 AM: CALDWELL is observed walking down the tennis hallway toward the first level men's restroom wearing his headphones. It appears that the desk attendant attempts to speak to him about not checking in, but CALDWELL proceeds into the building, and the desk attendant appears to remain seated.



11:18:35 AM: After initially walking past the restroom and toward the access to the second level staircase, CALDWELL quickly returns to the tennis hallway, then enters the first level men's restroom.



11:20:55 AM: After approximately 2 ½ minutes, CALDWELL exits the restroom and walks past the adjacent daycare room on his way to basketball gym.



11:21-11:25 AM: (approximately 4 minutes) CALDWELL enters the basketball court, boxes with a punching bag, plays some basketball, boxes with a punching bag again, and then walks off the basketball court.



11:25:28 AM: CALDWELL walks past daycare room toward staircase near bathroom. He appears to look directly into the daycare room at the occupants inside (workers and small children/toddlers).



11:25:44 AM: After walking past the daycare room, CALDWELL turns between the daycare room and the first level bathroom, walking toward the staircase that accesses the second level.



11:26:32 AM: A witness smells something outside first-level men's restroom. A crowd begins to gather in the area, apparently attempting to locate the source of the smell. The female in all black enters the men's restroom. She exits and opens the door to the fire extinguisher cabinet in the hallway just outside the restroom. The crowd grows as the haze of smoke at the ceiling level becomes more apparent. The fire extinguisher is observed to have been removed and placed on the hallway floor, but it is not apparent by whom.



11:26-11:32 AM: Parents get their children from the daycare room and building occupants evacuate the building. The group of images that follow below depict persons evacuating during this timeframe and the smoke development in the hallway.

(11:28:36 AM: Alarm activates and as the smoke continues to develop in the hallway. At 11:28:36, an alarm was received from LRAC to monitoring company Johnson Controls as a "general alarm" in zone 86)





11:29:25 AM: While smoke conditions are ongoing in the tennis hallway and after the building alarm has activated, CALDWELL walks up the stairs to the main lobby to exit the building out of the front main (north) entrance.



(11:30:01 AM: LRFD is dispatched by Little Rock communications.)

11:31:35 AM: CALDWELL exits the building toward his car.



11:32:55 AM: LRFD Engine 16 reports arrival on scene. It appears CALDWELL's vehicle is attempting to leave the parking lot as LRFD arrives, so he turns and exits a different direction. Red oval indicates location of CALDWELL's vehicle departing as LRFD arrives.



11:34 AM: By this time, LRFD firefighters are visible in the tennis hallway bringing in fire extinguishers/equipment.



11:41:37 AM: LRPD license plate reader cameras capture the white Jeep Cherokee bearing AR LPN 472ZVK heading westbound on Cantrell near Pinnacle Valley Road. Notably, the vehicle was traveling toward what was later discovered to be CALDWELL's mother's home.



03:09:10 PM: LRPD license plate reader cameras capture the white Jeep Cherokee bearing AR LPN 472ZVK heading eastbound on Cantrell near The Divide Parkway (near Walmart Supercenter on Cantrell). Based on information developed during the investigation, it appears he was driving away from the area of his mother's residence in the direction of 10 Fitness on Rodney Parham.



3:40 PM CALDWELL enters 10 Fitness and appears to scan his membership information from his phone to enter the gym.



3:42 PM CALDWELL walks into bathroom



3:44 PM CALDWELL exits the bathroom/locker room area.



3:44:47 PM CALDWELL exits the gym to the parking lot.



3:45 PM: CALDWELL has entered his vehicle in the parking lot (red oval indicates visible portion of roof of CALDWELL's vehicle)



3:46 PM Fire is discovered as smoke is rolling into the main gym.



(3:49 PM: LRFD is dispatched.)

3:54 PM: LRFD has arrived on scene. CALDWELL has remained present in his car for approximately nine minutes after exiting the gym when LRFD arrives. The red oval indicates visible front end of CALDWELL's vehicle after other vehicles have left the parking lot.



3:55 PM: After firefighters have set up the truck and entered the structure, CALDWELL pulls out of his parking space, where he has sat for 10 minutes after exiting the gym. The red oval indicates the location of CALDWELL's vehicle leaving a 10 Fitness parking space. The red oval indicates location of CALDWELL's vehicle as he drives out of his parking space.



20. At approximately 5:30 PM, FMs went to 212 Caurel Lane, which was identified as the residence of CALDWELL's mother, "J.C.", and her husband (CALDWELL's stepfather), "P.C". A white Jeep Cherokee matching the tag of the suspect vehicle was observed parked out at the street outside the residence. Investigators later confirmed that the vehicle was registered to "J.C." (under her previous name, also with the initials "J.C.") at 212 Caurel Lane.

21. A neighbor provided contact information for "P.C.", who investigators reached via telephone. "P.C." contacted "J.C.", who responded to the residence to meet the FMs. "J.C." arrived at the residence and gave consent for the FMs to enter her residence. CALDWELL was in his bedroom upstairs and was taken into custody without incident.

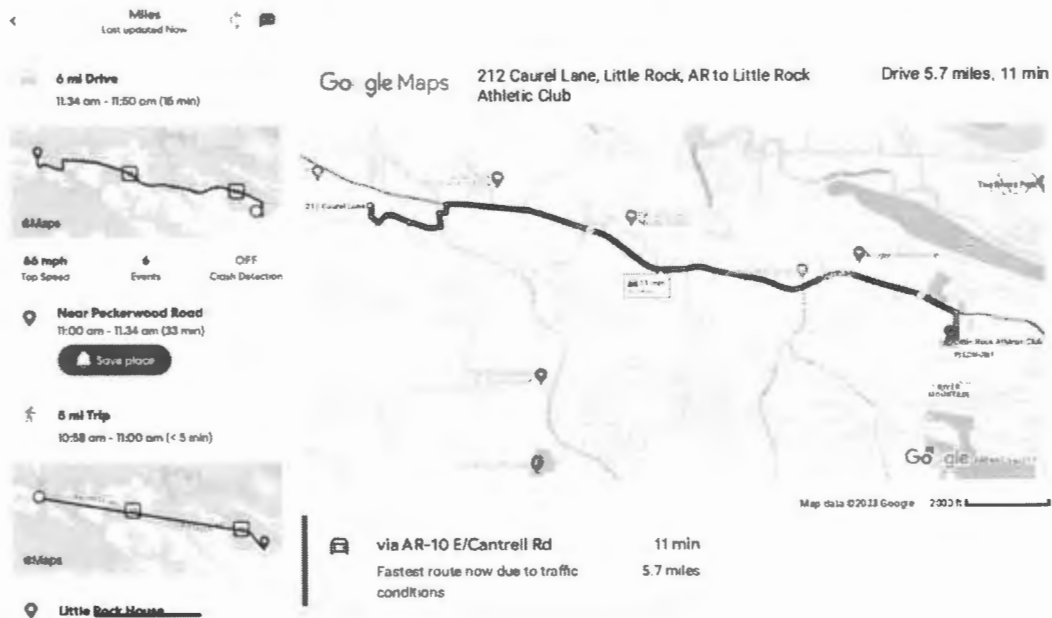
22. At the time of CALDWELL's arrest, he was wearing a t-shirt and dark Nike athletic pants. Investigators had observed the black and white Nike shoes at the bottom of the stairs inside

the residence, and noted that they were consistent with the suspect’s shoes in the video footage. CALDWELL was allowed to put those shoes on as he was taken into custody.

23. “J.C.” gave consent for investigators to search her residence and vehicle. Inside of CALDWELL’s room, they located keys to the Jeep Cherokee and a pullover consistent with what CALDWELL was wearing in the video footage. In the Jeep Cherokee, they located headphones consistent with those CALDWELL was wearing in video footage.

24. “P.C.” provided the FMs with screenshots of CALDWELL’s historical location information from the family’s shared Life360 phone application for November 16, 2023. On November 18, 2023, I compared the Life360 map to Google Map directions from 212 Caurel Lane, Little Rock, AR, to each respective gym location.

25. The Life360 map compared to the Google map from 212 Caurel Lane to LRAC showed CALDWELL was “Near Peckerwood Road” (known to be in the area of LRAC) from 11:00 AM to 11:34 AM. This data was found to be consistent with observed video footage and license plate reader data.



26. The Life360 map compared to the Google map from 212 Caurel Lane to 10 Fitness showed CALDWELL was “Near 10915 Rodney Parham Road” (known to be in the area of 10 Fitness) from 3:35 PM to 3:56 PM. This data was found to be consistent with observed video footage and license plate reader data.



27. Based on my training and experience, the behavior exhibited by CALDWELL on November 16, 2023, as documented above is serial fire setting behavior. While psychological motivations can vary widely, serial fire setters frequently set fires then remain present in the area to ensure that the fire develops sufficiently/to their satisfaction before leaving the area. They often remain in the area until after first responders arrive on scene. In each of these instances, CALDWELL remained present until LRFD arrived on scene. As is evidenced by the surveillance video footage still shots provided here, both of the affected structures were obviously inhabited by large numbers of people at the time each fire was set.

28. It is notable that CALDWELL set the more significant fire at LRAC within feet of the daycare, which housed multiple small children, mostly toddlers, at the time of the fire, who were clearly incapable of self-evacuation. Video surveillance captures CALDWELL walking directly past the daycare facility and looking inside the glass, where multiple childcare providers and toddlers were clearly visible after he set the fire in the first level men's restroom. CALDWELL then walked up to the second level, where he attempted to set two additional fires about the time the alarm activated within the building and occupants began to evacuate.

CONCLUSION

30. Based on the foregoing facts, and in my training and experience, there is probable cause to believe that, on or about November 16, 2023, in the Eastern District of Arkansas, Miles Andrew CALDWELL, violated Title 18, United States Code, Section 844(i), by maliciously damaging or destroying, or attempting to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce.

Respectfully submitted,

Shannon L. Hicks, ATF S.S.A/C.F.I.

Subscribed and sworn to before me on November 16, 2023.



Honorable Jerome T. Kearney, United States Magistrate Judge