

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

United States of America
v.

Mark Muffley

Case No. 23-mj-408

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 27, 2023 in the county of Lehigh in the Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. § 844(g)(1)

49 U.S.C § 46505

Offense Description

Possession of an explosive in an airport.

Possessing, or attempting to place, or attempting to have placed, an explosive or incendiary device on an aircraft.

This criminal complaint is based on these facts:
See attached affidavit hereby incorporated.

Continued on the attached sheet.

/s/ Eddie Garcia

Complainant's signature

Eddie Garcia

Printed name and title

Sworn to before me and signed in my presence.

Date: February 27, 2023

/s/Pamela A. Carlos

Judge's signature

City and state: Allentown, PA

Pamela A. Carlos, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Mark Muffley

)
)
)
)
)
)

Case No. 23-mj-408

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Mark Muffley,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Possessing an explosive in an airport that is subject to the regulatory authority of the Federal Aviation Administration, in violation of Title 18, United States Code, Section 844(g)(1), and possessing, or attempting to place, or attempting to have placed, an explosive or incendiary device on an aircraft, in violation of Title 49, United States Code, Section 46505.

/s/ Pamela A. Carlos

Date: February 27, 2023

Issuing officer's signature

City and state: Allentown, PA

Pamela A. Carlos, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Eddie Garcia, FBI Special Agent

Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Eddie Garcia, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”), Philadelphia Division, Allentown Resident Agency. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, execute warrants issued under the authority of the United States and to make arrests for, offenses enumerated in Title 21, and Title 18, United States Code.

2. I have been employed as a Special Agent of the FBI and have been since March 6, 2016. I am currently assigned to the Allentown Resident Agency of the Philadelphia Division. Prior to joining the FBI, I was employed as an Immigration Enforcement Agent and Deportation Officer with the Department of Homeland Security from January 2007, to March 2016. As a Special Agent, I have received instruction and on the job training in various aspects of law enforcement. During my employment with the FBI, I have participated in investigations involving international and domestic terrorism, bank robberies, drug trafficking, financial institution fraud, human trafficking, violent crimes against children, and other federal violations.

3. The statements in this affidavit are based in part on my own investigation, and information provided by other law enforcement officers, including FBI Bomb Technician, SA Jared Witmier. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation.

4. I submit there is probable cause to believe that on February 27, 2023, Mark Muffley violated Title 18, United States Code, Section 844(g)(1), which prohibits a person from possessing an explosive in an airport that is subject to the regulatory authority of the Federal Aviation Administration and Title 49, United States Code, Section 46505, which prohibits a person from placing, or attempting to place, or attempting to have placed, an explosive or incendiary device on an aircraft.

5. Title 18, United States Code, Section 844(j) states that the term “explosive” means “gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this title, and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof, may cause an explosion.”

6. Title 18, United States Code, Section 232 defines the term “explosive or incendiary device” as “dynamite and all other forms of high explosives, (B) any explosive

bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.”

BACKGROUND OF INVESTIGATION

7. On February 27, 2023, the Transportation Safety Administration at the Lehigh Valley International airport (“LVI”) contacted the Federal Bureau of Investigation for assistance after identifying what they believed to be an explosive in a suitcase that was checked in by passenger, Mark Muffley, on Flight 201 bound for Orlando Sanford International Airport in Florida.

8. The Lehigh Valley International Airport is an airport that is subject to the regulatory authority of the Federal Aviation Administration.

9. Mark Muffley, date of birth (DOB) xx/xx/1982 (date known to law enforcement), checked in a rolling suitcase, hereinafter referred to as the “baggage,” at the Allegiant airline desk. A baggage tag was placed on the baggage bearing his name.

10. Prior to baggage being loaded into the cargo area of the aircraft, the baggage was screened by the Transportation Security Agency (“TSA”). An alarm alerted to presence of suspicious items. TSA conducted a physical inspection of the baggage locating a circular compound, approximately three inches in diameter, wrapped in a wax-like paper and clear plastic wrap hidden in the lining of the baggage, among other items.

11. TSA notified the Lehigh Northampton Airport Authority Police Department, who then contacted the FBI. Multiple agents, including myself and SA Witmier, reported

to the LVI airport and examined the contents of the baggage. SA Witmier has been an FBI Special Agent for over 19 years. He is a certified public safety bomb technician and has been for approximately three years. He is trained in explosive device identification, including identifying explosive devices through the use of x-rays, and is authorized to examine explosives and render them safe. SA Witmier x-rayed the circular compound that was hidden in the lining of the baggage and concluded it contained a granular type of powder concealed within the wax paper and plastic wrap. Based on SA Witmier's training and experience, this granular type of powder is consistent with a commercial grade firework. This granular powder is suspected to be a mixture of flash powder and the dark granulars that are used in commercial grade fireworks.

12. Based on his training and experience, SA Witmier made the following additional observations: Attached to the circular compound was a "quick fuse" and a "hobby fuse." According to SA Witmier, a "fuse" is the equivalent of a wick that is used to light candles. A quick fuse is designed to ignite explosives quickly. It appeared to be a part of the original manufacture of the compound. A "hobby fuse" is a known to be regular fuse that burns slower than a quick fuse. The "hobby fuse" appeared to be added post manufacture.

13. Based on my training and experience, and that of SA Witmier, both the black powder and flash powder are susceptible to ignite from heat and friction and posed a significant risk to the aircraft and passengers. Furthermore, based on SA Witmier training and experience, the compound recovered from the baggage is an "explosive" as defined herein.

14. The baggage also contained a can of butane, a lighter, a pipe with white powder residue, a wireless drill with cordless batteries, and two GFCI outlets taped together with black tape.

IDENTIFICATION

15. Mark Muffley has a Pennsylvania driver's license bearing an address in Lansford, Pennsylvania, (address known to law enforcement).

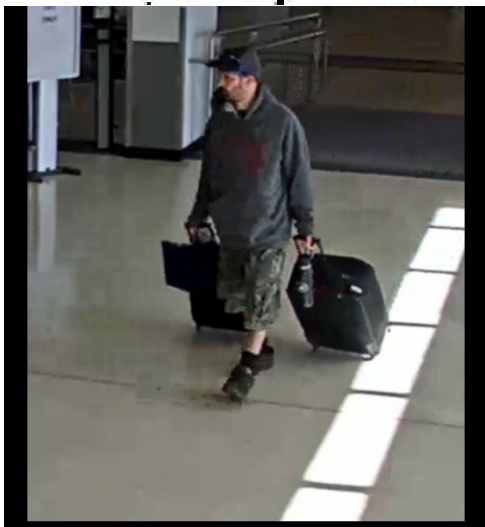
16. LVIA security cameras captured Muffley being dropped off at the LVI airport at approximately 10:45 a.m. by a person driving a white Chevrolet Equinox bearing Pennsylvania plate [REDACTED]. The Equinox is registered to [REDACTED] and [REDACTED], also known as [REDACTED], who has been identified as [REDACTED] through social media account. The driver's licenses for both Muffley and [REDACTED] list the same address, in Lansford, Pennsylvania.

17. At approximately 11:40am, after TSA initially discovered the explosive in the baggage, Muffley was paged over the airport's public address system requesting he report to the airport's security desk. Shortly thereafter, at 11:45 a.m., security cameras captured Muffley leaving the airport via the lower-level exit.

18. FBI contacted Carbon County Chief of Detectives Jack Soberick, formerly Chief of Police for the Lansford Police Department, who relayed that he knows Muffley personally. He is aware that Muffley resides at the same address in Lansford as is on his driver's license.

19. I obtained a known image of Muffley from his Pennsylvania Driver's license and compared it with the images obtained from LVI's airport surveillance cameras and

have confirmed they are one and the same individual. The first picture below is Muffley's image from his license, and the second and third images are taken from the airport surveillance cameras.



CONCLUSION

20. Based on the foregoing, I submit there is probable cause to believe that on February 27, 2023, Mark Muffley knowingly possessed an explosive in an airport that is subject to the regulatory authority of the Federal Aviation Administration, and possessed,

or attempted to place, or attempted to have placed, an explosive or incendiary device on an aircraft.

21. I, therefore, respectfully request that the arrest warrant be issued authorizing the arrest of Mark Muffley.

/s/ Eddie Garcia
Eddie Garcia
Special Agent

Sworn and subscribed
before me this 27st day of February, 2023.

/s/ Pamela A. Carlos
PAMELA A. CARLOS
UNITED STATES MAGISTRATE JUDGE