

AFFIDAVIT

I, Ryan T. Zornes, Senior Special Agent Certified Fire Investigator (SSACFI), Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter referred to as "ATF"), being duly sworn state as follows:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since November 2001. I am currently assigned to the Kansas City Field Division, Kansas City, Missouri Field Office and investigate incidents involving the criminal use of fire.

2. During my tenure as an ATF agent, I have been the affiant for numerous federal search warrants, which have resulted in the seizure of firearms, narcotics, drug proceeds and other contraband. I have personally conducted and participated in numerous investigations, which have resulted in the arrest and prosecution of individuals charged for violating federal firearms, arson, drug and explosive laws.

3. I have investigated numerous fires that have occurred in commercial and residential occupancies. During those investigations, I determined or assisted with the determination as to where the fire originated and what caused the fire (origin and cause). I have also testified as an expert witness in Federal Court in the United States District Court, Western District of Missouri, and Missouri State Court, offering my expert opinion as to the origin and cause of fires.

4. I have participated in fire and explosive investigations as an active member of the ATF National Response Team which responds to major incidents that have occurred throughout the United States involving the loss of life and or significant loss of property.

5. The information in this affidavit is based upon my personal observations and investigation or on information relayed to me by other means, including, but not limited to, from special agents or other law enforcement officers, private citizens, reports of investigation from law enforcement agencies, and recorded conversations. Because this application is being submitted for the purpose of establishing probable cause to support a criminal complaint, I have not included every fact known to me concerning this investigation. I have submitted only those facts and circumstances which I believe are necessary to establish probable cause for the issuance of an arrest warrant for violation of Title 18, United States Code, Section 844, et seq.

6. On October 29, 2017, at approximately 4:23 a.m., the Kansas City, Missouri Fire Department (KCMOFD) 911 Dispatch was notified of an automatic alarm at the Concord Cultural Center located at 11040 West Longview Parkway, Kansas City, Jackson County, Missouri 64134. The KCMOFD responded to the scene, conducted an investigation into the cause of the automatic alarm at the Concord Cultural Center and determined that there was no visible sign of smoke or fire on the exterior of the building. After the KCMOFD cleared the scene, the responding firefighting units went back into service.

7. On October 29, 2017, at approximately 6:28 a.m., an employee of the Concord Fortress of Hope Church, located at 11050 West Longview Parkway, Kansas City, Jackson County, Missouri 64134, contacted the KCMOFD and reported that a fire had occurred inside the Concord Cultural Center. It should be noted that the Concord Cultural Center is attached to the Concord Fortress of Hope Church. The KCMOFD responded to the Concord Cultural Center and determined that a fire had occurred in an office area inside the building. Firefighters also determined that a sprinkler head inside the office had activated and extinguished the fire prior to their arrival.

8. On October 29, 2017, fire investigators with the Kansas City, Missouri Police Department (KCMOPD), Bomb and Arson Unit, and ATF conducted an investigation to determine the origin and cause of the fire. During the fire scene investigation, investigators determined that a fire had occurred inside an office area just inside the main entrance into the Concord Cultural Center. Upon closer examination, investigators concluded that an office chair and other ordinary combustible material had been intentionally ignited using an open flame. An electric space heater, which had been placed close to the area of origin within the office area, was eliminated as an accidental cause of the fire. All other accidental and natural causes for the fire were also eliminated by investigators. The cause of the fire was determined to be incendiary.

9. During the initial scene investigation which included an exterior and interior examination of the Concord Cultural Center and the Concord Fortress of Hope Church Investigators located the words "You Next [REDACTED]", the letters "K, K, K," and a symbol similar to a "Swastika," spray-painted in a tan or khaki color on the front of the Concord Fortress of Hope Church. It should be noted that the inflammatory graffiti was visible from the main entrance into the parking lot as members of the congregation arrived for church for Sunday morning services on October 29, 2017. Investigators also observed broken automotive glass in the parking lot on the Southeastern side of the campus near the main entrance into the Cultural center.

10. During the exterior and interior examination of the church and cultural center, investigators observed numerous exterior and interior video surveillance cameras.

11. As investigators continued processing the scene, investigators observed three (3) vending machines that were located inside the gymnasium of the cultural center. Upon closer examination of the vending machines, investigators determined that two (2) of the vending machines located in the gymnasium had been vandalized. Investigators also discovered pry marks on the wooden door leading into the finance office in the church, which indicated that someone had attempted to force entry into the room.

12. During the fire scene examination, investigators located a second floor storage room in the foyer area, which separated the church from the cultural center that contained the Digital Video Recorder (DVR) for the video surveillance system that monitored the foyer area and the cultural centers interior and exterior cameras. Upon closer examination of the DVR system located in the foyer storage room, investigators determined that the DVR system was unplugged and no longer recording. The DVR was plugged back in and powered on so the DVR system could be examined to determine if the system had recorded any video prior to the DVR

being disabled. A review of the DVR system located in the foyer storage room revealed the DVR system lost power sometime after 1:00 a.m., on October 29, 2017, and had been intentionally unplugged. A review of the DVR system also revealed that an unknown black male was observed in the foyer area shortly before the DVR system was deactivated. The unknown black male was later identified as **Nathaniel NELSON** who was the maintenance man for the church and cultural center. KCMOPD Deputy Chief Karl Oakman, who was also a member of the Concord Fortress of Hope Church, identified **NELSON** as the individual depicted in the video surveillance footage that was captured in the foyer area.

13. Further investigation revealed a mechanical room located within the church that contained a second DVR. The second DVR recorded the video surveillance footage for the interior and exterior cameras located inside and outside of the church and were separate from the cameras located in the cultural center and foyer. When the DVR was examined, it was determined that the DVR was still powered on and was recording. The examination also revealed video footage of an unknown black male spray painting the front of the church which was the same location where investigators observed the inflammatory graffiti. KCMOPD Deputy Chief Oakman identified the unknown black male observed spray-painting the front of the church as **Nathaniel D. NELSON**.

14. On October 29, 2017, investigators with ATF and the KCMOPD Bomb and Arson Unit conducted an interview of **Nathaniel D. NELSON, black male, date of birth, [REDACTED]**. The interview was conducted at the church in a conference room near the church offices. It should also be noted that during the initial investigation, **NELSON** was informed that he was not in custody and was free to leave the interview at any time. During the initial interview, **NELSON** told investigators that he was the Supervisory Maintenance man for the church and had been employed at the church for almost a year. **NELSON** added that he was also a member of the church. **NELSON** indicated that he was responsible for cleaning the entire building, which included the church and cultural center.

15. As the interview continued, **NELSON** provided investigators with a detailed timeline of his activities between October 28, 2017, and his arrival at the church on October 29, 2017. During the timeframe **NELSON** provided to investigators, **NELSON** lied about his activities after he left the church on October 28, 2017, at the conclusion of a Trunk or Treat event that occurred at the church and cultural center earlier in the day. The fictitious timeline included **NELSON's** return to the church during the early morning hours of October 29, 2017, after he received a phone call from the alarm company indicating a "motion alarm" was being received in the main church building. **NELSON** also indicated he had gone to his brother's house and an ex-wife's house in an attempt to establish an alibi, all of which were false. **NELSON** also informed investigators that the church had recently received a racially motivated threat from an old white man.

16. At the conclusion of the initial interview with **NELSON**, investigators then conducted a *Miranda* interview with **NELSON**. They informed him that he had not been honest with investigators about his activities between October 28, 2017, and October 29, 2017. Investigators also informed **NELSON** that he was observed on video surveillance footage inside the foyer area shortly before the DVR system was deactivated and was observed on video spray-

painting the front of the church. **NELSON** initially denied having any involvement with spray-painting the church but then admitted to investigators that he had in fact sprayed the inflammatory graffiti on the front of the building.

17. **NELSON** then told investigators that he returned to the church in a white Chevy 3500 Van sometime after 8:00 p.m., on October 28, 2017. **NELSON** indicated he deactivated the alarm system using the keypad located in the foyer area between the church and cultural center. **NELSON** then proceeded to his office located in the back part of the cultural center where he smoked crack cocaine to get high. At some point after getting high, **NELSON** indicated he went into the church office area and attempted to force his way into the finance office to steal money. It should be noted that **NELSON** told investigators that the finance office was the only room in the church and cultural center he did not have keyed access. **NELSON** stated that his attempts to enter the finance room were unsuccessful so he proceeded into two (2) adjacent offices using his key and took \$140 from one office and \$94 from another office. **NELSON** told investigators that he then left the church to purchase more crack cocaine.

18. **NELSON** stated that after he purchased four (4) crack rocks from his supplier for approximately \$125, **NELSON** returned to the church to get high a second time. After **NELSON** smoked the crack cocaine in his office, he retrieved a pair of bolt cutters, a wrench, and a drill bit and attempted to break into the vending machines located in the gymnasium of the Concord Cultural Center. **NELSON** indicated that he was only able to steal \$2 from the vending machines.

19. **NELSON** then told investigators that at some point after breaking into the vending machines he left the church to purchase additional crack cocaine from the same source. **NELSON** told investigators that after he purchased approximately four (4) additional crack rocks he again returned back to the church to get high. It should be noted that **NELSON** indicated he only paid \$75 for the additional crack cocaine with the promise that he would provide his crack cocaine source \$200 in food stamps at a later time.

20. During the interview, **NELSON** admitted to investigators that he intentionally unplugged the DVR system that was located in a second floor storage room in the foyer area between the church and cultural center. **NELSON** added that he did not know that video was being recorded on a separate system inside the church, which captured him spray-painting the outside of the building.

21. Toward the end of the interview, **NELSON** admitted to investigators that he intentionally set a fire inside the office area of the Concord Cultural Center using clothing and paper towels that he had laid on or next to an office chair. **NELSON** added that a space heater was close to the area where he started the fire but indicated he did not turn the space heater on. **NELSON** told investigators that he used a red lighter to set the fire and provided the lighter to investigators during the interview.

22. **NELSON** told investigators that after he set the fire he left the church and drove around, subsequently checking himself into the emergency room at Research Medical Center in an attempt to establish an alibi. It should be noted that **NELSON** was observed wearing a bracelet on his left arm that was similar to an emergency room intake bracelet. **NELSON** admitted that

he left the hospital before being examined because hospital personnel requested that he provide a urine sample. **NELSON** stated he voluntarily left the hospital and drove home so he could change. **NELSON** added that after he changed he returned to the church and arrived at approximately 7:00 a.m., on October 29, 2017.

23. **NELSON** admitted to investigators during the interview that he spray-painted the front of the church with inflammatory graffiti and intentionally set the fire to create a diversion and throw investigators off.

24. During the interview, **NELSON** told investigators that he had been previously convicted in Jackson County, Missouri in 1986 for armed criminal action and assault second degree, both of which are felonies. **NELSON** added that he went to state prison for approximately seven years on the conviction. **NELSON** stated that he was paroled shortly before the end of the sentence. During his parole, **NELSON** indicated he violated his parole and was sent back to prison for approximately 30 days. **NELSON** stated he violated the terms of his parole by leaving the state. **NELSON** also informed investigators that he was convicted in 2007, for burglary, and forgery, all of which are felonies in Jackson County, Missouri. **NELSON** added that he was sentenced to six years in prison, of which he did two and half years before being paroled. **NELSON** told investigators that his 2007 conviction was related to an arson for profit scheme where he agreed to burn a house for insurance proceeds. **NELSON** stated he violated the terms of his parole in 2010, for smoking crack cocaine and was sent back to prison for an additional 30 days.

25. During the interview, **NELSON** informed investigators that he had stolen several pre-signed checks from the church on October 22, 2017. **NELSON** added that the stolen checks were located in his white Chevy 3500 Van, which was parked outside, in the church parking lot. **NELSON** provided written consent during the interview so investigators could search the van and recover the checks. **NELSON** added that he had busted out the front passenger side door to the van because he had inadvertently locked his keys in the van during his crack binge and used a weight to break the window.

26. At the conclusion of the interview, **NELSON** took investigators to his office located in the back of the Concord Cultural Center. Upon arrival, **NELSON** showed investigators the tools he used to break into the vending machines that he disposed of in a trashcan outside his office door. **NELSON** also showed investigators the location of the Khaki spray paint he used to spray paint the front of the church, which investigators observed on top of **NELSON**'s desk, which was in **NELSON**'s office.

27. During a consent search of **NELSON**'s white Chevy 3500 Van, which was parked in the front eastern part of the church parking lot, investigators recovered several pre-signed checks belonging to the Concord of Hope Fortress Church.

28. A review of **NELSON**'s criminal history by investigators corroborated the information **NELSON** provided regarding his previous felony convictions.

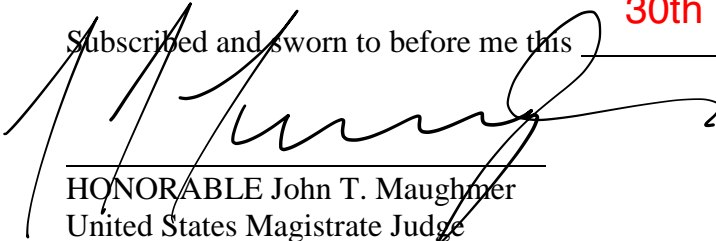
29. The Concord Cultural Center located at 11040 West Longview Parkway, Kansas City, Jackson County, Missouri 64134, owned by the Concord Fortress of Hope Church, was involved in interstate commerce at the time of these events. According the pastor of the church, Trilogy Sports and Fitness has a contract with the church in which Trilogy Sports and Fitness pays rent to utilize the Concord Cultural Center for athletic training.

30. Based upon the above, I believe there exists probable cause that **Nathaniel D. NELSON** 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 by setting a fire inside the Concord Cultural Center located at 11040 West Longview Parkway, Kansas City, Jackson County, Missouri 64134.



RYAN T. ZORNES
Senior Special Agent Certified Fire
Investigator, Bureau of Alcohol, Tobacco,
Firearms and Explosives (ATF)

Subscribed and sworn to before me this 30th day of October 2017.



HONORABLE John T. Maughmer
United States Magistrate Judge
Western District of Missouri