

UNITED STATES DISTRICT COURT

for the

District of Oregon By:

United States of America
v.

KEVIN BENJAMIN WEIER

Case No. 3:20-mj-00155

Defendant(s)

CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

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 July 13, 2020, in the county of Multnomah in the District of Oregon, the defendant(s) violated:

Code Section 18 USC 844(f)(1) Offense Description Attempted arson of a federal building

This criminal complaint is based on these facts:

See the attached affidavit of Senior Special Agent Micah Coring, Federal Protective Service.

Continued on the attached sheet.

(By telephone)

Complainant's signature

Micah Coring, Senior Special Agent, FPS

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 12:25 a.m./p.m.

Date: 7/13/2020



Stacie Beckerman (Handwritten signature)

Judge's signature

City and state: Portland, Oregon

Hon. Stacie F. Beckerman, U.S. Magistrate Judge

Printed name and title

STATE OF OREGON                    )  
   )  
 County of Multnomah               )

ss:

AFFIDAVIT OF MICAH CORING

**Affidavit in Support of a Criminal Complaint and Arrest Warrant**

I, Micah Coring, being duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1. I am a Senior Special Agent with the Federal Protective Service (FPS) and have been since 2009. My current assignment is the Federal Protective Service Field Office in Portland, Oregon, where I am assigned to investigate general crimes. I am also a part time investigator for the FPS Office of Internal Investigations (OII) and liaison for the Federal Bureau of Investigation’s Joint Terrorism Task Force (JTTF). I graduated from the Federal Law Enforcement Training Center’s Criminal Investigator Training Program in August 2009. I have experience investigating crimes against federal employees and federal property, including threats and assaults on federal government employees, and damage to federal buildings and property.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Kevin Benjamin WEIER. As set forth below, I have probable cause to believe that WEIER committed or attempted to commit an arson of a federal building, namely the Mark O. Hatfield United States Courthouse, violation of 18 U.S. Code § 844(f)(1).

3. The facts set forth in this affidavit are based on the following: my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, my review of records related to this investigation, communication with others who have knowledge of the events and circumstances described herein, and information gained through my training and

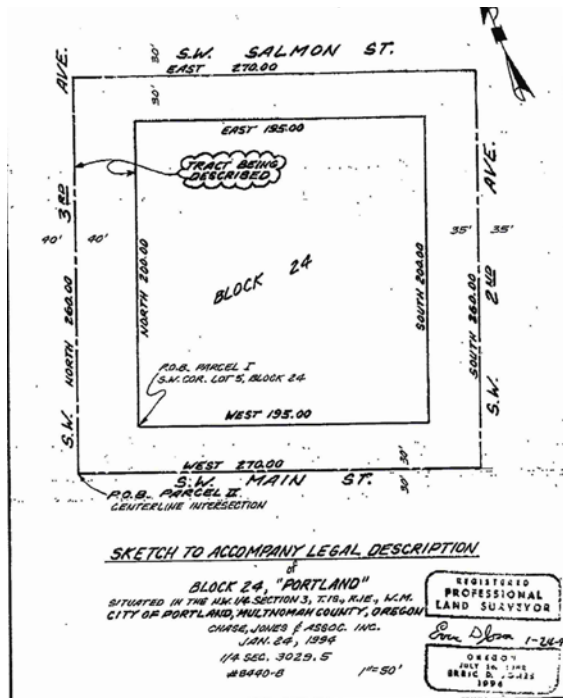
experience. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for an arrest warrant, it does not set forth each fact that I or others have learned during this investigation.

#### **Applicable Law**

4. 18 U.S.C. § 844(f)(1) makes it an offense to maliciously damage or destroy, or to attempt to damage or destroy, any building or real or personal property owned, possessed, or leased in whole or in part by the United States by means of fire or an explosive.

#### **Statement of Probable Cause**

5. Since on or about May 26, 2020, protesters have gathered daily in Portland public areas including Lownsdale Square, Chapman Square, and Terry Schrunk Plaza. The Justice Center, which contains Portland Police Bureau's (PPB) Central Precinct and the Multnomah County Detention Center (MCDC), the Mark O. Hatfield United States Courthouse, and the Edith Green-Wendell Wyatt Federal Building are directly across the street from those parks. The United States of America owns the entire city block (Block #24) occupied by the Hatfield Courthouse, as depicted below. Easements have been granted for the sidewalks surrounding the Hatfield Courthouse, but the property boundary extends past the sidewalks and into the streets surrounding the courthouse.



6. Daily protests have regularly been followed by nightly criminal activity in the form of vandalism, destruction of property, looting, arson, and assault. Most violent of these impacting federal property occurred on May 28, 2020, when the Portland Field Office for the Immigration and Customs Enforcement (ICE) was targeted by a Molotov Cocktail. The Hatfield Courthouse has experienced significant damage to the façade and building fixtures during the six weeks following that incident. Additionally, mounted building security cameras and access control devices have been vandalized or stolen. The most recent repair estimate for the damage at the Hatfield Courthouse exceeds \$50,000, and there has been additional and extensive damage since then. Other federal properties in the area routinely being vandalized include the historic Pioneer Federal Courthouse, the Gus Solomon Courthouse, and the Edith Green Wendall Wyatt Federal Office Building. FPS law enforcement officers, Deputy U.S. Marshals, and other federal law enforcement officers working to protect the Hatfield Courthouse have been subjected to

threats, aerial fireworks (including mortars), high intensity lasers targeting officers' eyes, thrown rocks, bottles, and balloons filled with paint, and vulgar language from demonstrators while performing their duties.

7. During the evening of July 12, 2020, there were approximately 250 protesters within one block of the Hatfield Courthouse. The western façade of the courthouse has been covered with protective wooden siding as a result of widespread vandalism, which includes several shattered windows and extensive graffiti. At one point, protesters used sheets of plywood to cover multiple western ingress/egress points of the Mark O. Hatfield Courthouse.

8. At approximately 1:15 am on July 13, 2020, approximately 25 to 50 unidentified protestors started a fire in the middle of the pedestrian crosswalk located at the intersection of SW Main Street and SW 3rd Avenue, which is located immediately adjacent to the Hatfield Courthouse. At approximately 1:26 a.m., multiple law enforcement officers working within the Hatfield Courthouse watched, via the livestream YouTube channel <https://www.youtube.com/watch?v=I6NecuMtaEs>, as one of the unidentified protestors took a flaming piece of wood from the fire and placed it at the wood-covered western facade of the Hatfield Courthouse. Photos 1 through 5 below show the unidentified protestor moving the flaming piece of wood from the fire to the courthouse façade.

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



9. Shortly after the unidentified protestor places the flaming piece of wood next to the wood-covered façade, a second protestor, later identified as WEIER, walked up to the flaming piece of wood and tried to wedge it up against the wood covering the exterior of the courthouse. After doing so, WEIER walked away from the façade. A few minutes later, other protestors approached the burning piece of wood, removed it from the wooden façade, and attempted to extinguish the flame.

10. On July 13, 2020, Department of Homeland Security Intelligence Operations Specialist (IOS) Caleb Sloan analyzed the aforementioned YouTube channel feed in an attempt to identify the protestors who had placed the flaming wood next to the courthouse façade. IOS Sloan determined that WEIER was not the person who initially placed the burning wood next to the courthouse façade, but he was the one who tried to push it more firmly up against the wood covering. It was also apparent that WEIER was not the person who later pulled the burning wood away from the façade and tried to extinguish it. IOS Sloan provided federal law enforcement agents working at the Hatfield Courthouse screenshots of WEIER, which appear



below as Photos 6 and 7. Photo 7 shows WEIER attempting to push the burning wood closer to the façade; Photo 6 shows him walking away afterward, while the wood still burns next to the façade.

Photo 6



Photo 7



11. On July 13, 2020, FPS SA Travis Vas also analyzed the YouTube video and found additional screenshots of WEIER. These photos show WEIER adjusting and affixing the flaming piece of wood at the courthouse façade. The photos appear below as Photos 8 through 13.

Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



12. Agents both inside and outside of the courthouse maintained surveillance of WEIER for approximately two hours, until the crowd thinned out. At approximately 3:30 a.m., an arrest team located WEIER and took him into custody without incident. WEIER was taken to the U.S. Marshals detention facility inside the Hatfield Courthouse.



13. At approximately 4:25 a.m., SA Vas and Inspector Nathaniel Huerta interviewed WEIER in the Marshals Service detention facility. After being advised of and stating he understood his *Miranda* rights, WEIER admitted being present at the front of the courthouse when the burning piece of wood was placed against it, but denied placing the burning wood there himself. WEIER said he saw the person who did so, but he did not know that person's name. WEIER denied touching the burning wood himself.

14. A comparison of WEIER'S booking photo and a screenshot of the video feed appears below as Photo 14.

Photo 14



### Conclusion

15. Based on the foregoing, I have probable cause to believe that Kevin Benjamin WEIER attempted to maliciously damage by means of fire the wood-covered façade of the Hatfield Courthouse, a building wholly owned and used by the United States, in violation of 18

U.S.C § 844(f)(1). I therefore request that the Court issue a criminal complaint and arrest warrant charging WEIER with that offense.

16. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Gary Sussman. AUSA Sussman informed me that in his opinion, the affidavit is legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

*(By telephone)*  
\_\_\_\_\_  
Micah CORING  
Senior Special Agent  
Federal Protective Service

Sworn to by telephone or other reliable means in accordance with Fed. R. Crim. P. 4.1 at  
12:25 am/pm on July 13, 2020.

  
\_\_\_\_\_  
HONORABLE STACIE F. BECKERMAN  
United States Magistrate Judge