

AFFIDAVIT

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I, Jeffrey J. Osburg, being duly sworn, depose and state as follows:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), United States Department of Justice, and have been so employed since June 2001. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. In my duties as an ATF Agent, I investigate violations of the arson and explosives laws. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of 18 U.S.C. § 844(i) to maliciously damage or destroy property affecting interstate commerce by fire or explosives.

On August 12, 2013, a fire occurred at Valley International (Exxon) convenience store and gas station located at 40200 Highway 82, Itta Bena MS. Fire damage was pervasive resulting in a total loss of the building and contents. On August 13, 2013, the fire scene was examined by Mississippi Deputy State Fire Marshal Albert Carver and private insurance company origin-and-cause investigators. These investigators told ATF Special Agent Jeffrey Osburg that they had concluded that the fire was incendiary and that ignitable liquids were used to facilitate flame spread throughout the structure.

This business was operated by Michael Williams, who purchased the inventory, gasoline and cash register from Hardeep Kandola in mid April of 2013. Mr. Kandola had been sub-leasing the space from Anil Sethi who in turn leased the property from Lee Abraham.

On August 13, 2013, Special Agent Jeffrey Osburg began an investigation and conducted interviews that revealed inconsistent and likely false statements made by the current owner/occupant of the business, Michael Williams, and his associate, Sian Green. These inconsistent statements include the following:

1. Mr. Williams stated he purchased the store in April of 2013 from the previous owner, Hardeep Kandola, for the agreed price of \$22,600. Mr. Williams stated he gave Mr. Kandola \$3,000 initially, with intentions of paying him the remaining amount over several months. On August 27, 2013, Special Agent Osburg interviewed Mr. Kandola. He said he received three post dated checks from Mr. Williams, dated as follows: May 19, 2013 for \$7,000; June 10, 2013 for \$7,000; July 10, 2013 for \$8,600. All three checks have been returned to Mr. Kandola due to insufficient funds. Mr. Kandola further stated he never received \$3,000 from Mr. Williams.
2. Mr. Williams told Special Osburg that the business was doing well and had been for several months. He had seen a slight downturn in July, but this was made up by other means. In a separate interview of Sian Green, Special Agent Osburg was told that the business was merely breaking even. In addition, Mr. Kandola said he went to the business in May 2013, approximately one month after selling the business. He went inside the business and was surprised to see empty shelves. He said the inventory he left

in the store had either been sold or removed from the store and the shelves had not been re-stocked. This was corroborated by Mr. Ken Anderson, Marketing Director of Lipscomb Oil Company, which was the supplier of gasoline to the business during this period. In an interview with Special Agent Osburg on August 28, 2013, Mr. Anderson had occasion to be in the store in May 2013. At that time he noted that the shelves contained approximately one quarter of the items that had been there while it was run by Mr. Kandola. In an interview on September 19, 2013, Lee Abraham told Special Agent Osburg that he visited the store on August 1, 2013 and noticed that the shelves were basically empty except for small amounts of bubble gum and candy.

3. Mr. Williams told Special Agent Osburg that he and his associate, Sian Green, were the last authorized persons to be inside the business before the fire. Mr. Williams told Special Agent Osburg that after closing the store, he and Mr. Green left the area and headed towards Atlanta, GA. Special Agent Osburg inquired as to the route Mr. Williams took. Mr. Williams said that rather than going east on Mississippi Highway 82 he went west. As this was not the right direction for a trip to Atlanta GA, Special Agent Osburg followed up the question with gestures as to the direction so there was no mistaking what his route actually was. When Special Agent Osburg expressed his surprise at the misdirection, Mr. Williams responded that he was going to try a different route. Mr. Williams said he was going to drive all night to "pick up something" then return shortly thereafter. It is known to Special Agent Osburg that it takes approximately five to six hours to travel to Atlanta following the most direct route. The store normally opens during the week at 6:00 a.m. Not only would it be impossible for Mr. Williams to open his store at its normal time, Mr. Williams would be awake for well over twenty four hours, all for the purpose of obtaining "certain drinks unique to Atlanta, GA." As it was, Mr. Williams said he "forgot his wallet" and returned to the store after driving for approximately one hour to find the store on fire and fire department personnel on the scene.

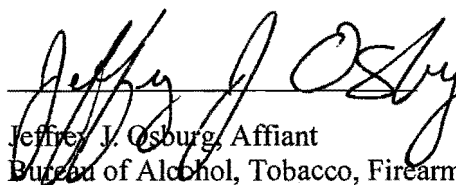
Special Agent Osburg noted that the gas pumps at the business had notes taped to them that indicated the pumps were out of gas. Special Agent Osburg has interviewed Mr. Ken Anderson of the Lipscomb Oil Company who says that Mr. Williams owes Lipscomb \$10,876.86.

On September 20, 2013 Special Agent Osburg interviewed Lee Abraham, the owner of the building being occupied by Mr. Williams. Mr. Abraham informed Special Agent Osburg that he had leased 40200 Highway 82 to Anil Sethi in March of 2013. During the ensuing months, Mr. Sethi failed to fulfill obligations set forth in their contract, therefore Mr. Abraham took control of the property. On August 1, 2013, Mr. Abraham went to the convenience store and spoke to Mr. Williams, who expressed an interest in purchasing the property from Mr. Abraham. Mr. Abraham agreed to allow Mr. Williams a short amount of time to obtain financing. Financing never materialized for Mr. Williams by the time the fire occurred on August 12, 2013.

On September 12, 2013, ATF Special Agents Dennis Hampton and Jeffrey Osburg arrested Sian GREEN in Lithonia, GA, on a material witness warrant issued by the United States District Court for the Northern District of Mississippi. Following a voluntary waiver of rights, Mr. Green confessed to conspiring with Mr. Williams to set the fire at 40200 Highway 82 and to actually setting the fire on or about August 12, 2013.


Mr. Green began working for Mr. Williams in mid to late April, 2013. During that time Mr. Green became aware that Mr. Williams was in financial trouble. The store shelves were empty and they had run out of gasoline to sell. Several weeks before the fire Mr. Williams discussed with Mr. Green his scheme to burn the business and said that he was actively looking for a third party to set the fire. Plans for a third party were changed in favor of the two men setting the fire themselves. On August 11, 2013 Mr. Williams brought gasoline into the store and provided part of it to Mr. Green. At Mr. Williams' direction, Mr. Green poured the ignitable liquid inside the business. Mr. Williams also poured gasoline around the interior of the building in the full view of Mr. Green. Both men left the business without igniting the fire. A short time later both men returned to the business, ignited the fire and fled westbound on highway 82. During their time driving away from the scene of the fire, Mr. Williams instructed Mr. Green what he was to say to authorities should they be questioned in order that the crime be concealed.

Based on the foregoing, your affiant believes that probable cause exists that on or about August 12, 2013, Michael Williams and Sian Green conspired together to maliciously burn and actually did maliciously burn, a business used in interstate commerce in violation of 18 U.S.C. 844(i) and 18 U.S.C 844(n) .



Jeffrey J. Osburg, Affiant
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to and subscribed before me
this 25th day of September, 2013.



S. Allan Alexander
United States Magistrate Judge