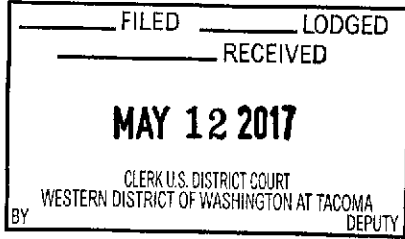


The Honorable David W. Christel



6 UNITED STATES DISTRICT COURT FOR THE
 7 WESTERN DISTRICT OF WASHINGTON
 8 AT TACOMA

9 UNITED STATES OF AMERICA,
 10 Plaintiff,
 11 v.
 12 KENNI JO BENNETT and
 13 THOMAS WARD FITE JR.,
 14 Defendants.

No. *MJ17-5089*
 COMPLAINT for VIOLATION
 Title 26, United States Code, Sections
 5861(d) and 5845(a)(8), (f)

15
 16 BEFORE, David W. Christel, United States Magistrate Judge, U. S. District
 17 Courthouse, Tacoma, Washington.

18 The undersigned complainant being duly sworn states:

19 **COUNT 1**
 20 ***(Unlawful Possession of a Destructive Device)***

21 On or about October 13, 2016, at Tacoma, within the Western District of
 22 Washington, KENNI JO BENNETT and THOMAS WARD FITE JR. did knowingly
 23 receive and possess a firearm, that is, a destructive device, which was not registered to
 24 either of them in the National Firearms Registration and Transfer Record.

25 All in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(8),
 26 (f).

27 ///

28 ///

1 The undersigned complainant, David Cline, being first duly sworn on oath,
2 deposes and says:

3
4 **AFFIANT BACKGROUND AND EXPERIENCE**

5 1. I, David Cline, have been employed as a Special Agent with the Bureau of
6 Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Department of Justice,
7 since October 28, 2007. I am responsible for investigating and enforcing violations of
8 federal alcohol, tobacco, firearms, and explosives laws. I am classified and trained as a
9 federal law enforcement officer with federal statutory arrest authority. I have completed
10 the Criminal Investigator Training Program and the ATF Special Basic Training
11 Academy taught at the Federal Law Enforcement Training Center located in Glynco,
12 Georgia. I have previous training and experience as a Special Agent in
13 Counterintelligence with the United States Army. I have a Bachelor of Arts degree in
14 Criminal Justice and Sociology from Saint Louis University in St. Louis, Missouri.

15 2. As a result of my training and experience as an ATF Special Agent, I am
16 familiar with federal criminal laws governing explosives. I know that Title 26, United
17 States Code, Section 5861(d), makes it unlawful for any person to receive or possess a
18 firearm (including a destructive device) which is not registered to him/her in the National
19 Firearm Registration and Transfer Record.

20 **PURPOSE OF AFFIDAVIT**

21 3. This affidavit is made in support of a Complaint against KENNI JO
22 BENNETT and THOMAS WARD FITE JR. for the offense of Unlawful Possession of a
23 Destructive Device in violation of Title 26, United States Code, Sections 5861(d) and
24 5845(a)(8), (f).

25 4. The information included in this affidavit is based upon my own
26 investigation, as well as upon information provided to me, and my review of reports
27 prepared by other law enforcement personnel. Because this affidavit is made for the
28

1 limited purpose of establishing probable cause for this Complaint, I have not included
2 each and every fact of the investigation known to me.

3 **INVESTIGATION AND PROBABLE CAUSE**

4 5. On August 25, 2016, officers with the Lakewood Police Department
5 executed a narcotics related search warrant at 9223 South D Street, Tacoma, Washington.
6 D.H., M.M., and A.W. were present during the search. D.H., the subject of the
7 investigation, agreed to cooperate with law enforcement as an informant after officers
8 located illegal narcotics, firearms, and explosives. D.H. made that agreement to cooperate
9 with law enforcement in the presence of A.W.

10 6. At approximately 3:45 a.m., October 13, 2016, officers with the Tacoma
11 Police Department (TPD) were dispatched to a 911 call reporting an explosion at or about
12 9223 South D Street, Tacoma, Washington. An anonymous caller advised they heard a
13 loud explosion and observed smoke coming from the trunk of a vehicle. Officers
14 responded and observed a bronze 2011 Kia Forte with Washington license plate
15 AEZ0394 in the driveway of 9223 South D Street with apparent explosive damage to the
16 rear of the vehicle. Officers observed the rear bumper was separated from the vehicle and
17 debris was scattered all over the roadway.

18 7. Members of the TPD Bomb Squad, TPD Forensics, Federal Bureau of
19 Investigation (FBI), and ATF all responded to the scene. Due to heavy and sustained rain,
20 investigators erected a canopy over the Kia Forte in an attempt to preserve potential
21 evidence. ATF Explosives Enforcement Officer (EEO) Brennan Phillips, with the
22 assistance of bomb technicians and investigators, conducted the post-blast investigation
23 of the damaged Kia Forte. Meanwhile, with the assistance of bomb technicians and
24 investigators on site, TPD Forensics conducted an overall scene investigation, including
25 documentation and preservation of evidence. EEO Phillips identified a blast seat for the
26 explosion at or near the left/drivers' side of the spare tire well under the rear of the
27 vehicle. EEO Phillips seized metal fragments and small pieces of cardboard located in the
28 debris, and he swabbed the immediate blast area for evidence. I secured this debris and

1 swab as four items of evidence along with a sterile swab identical to the one used by EEO
2 Phillips to be used as a comparison. After allowing the four items of evidence secured by
3 ATF to dry, I submitted these and the comparison sterile swab to ATF's forensic
4 laboratory in Walnut Creek, California. TPD Forensics identified and secured as evidence
5 other items of suspected post-blast debris. The damaged Kia Forte was towed and secured
6 as evidence in a secure lot.

7 8. Officers contacted M.M., a resident of 9223 South D Street, who stated she
8 awoke to the sounds of an explosion, but did not investigate the origin because she
9 believed it was fireworks. M.M. stated that three children were asleep in the front living
10 room area at the time of the explosion. M.M. advised that the damaged Kia Forte
11 belonged to her boyfriend, D.H., who was then at work. M.M. further advised that the
12 residence has a surveillance system, and she allowed officers to review the video footage.
13 Officers later secured this video for evidence. Officers further conducted a neighborhood
14 canvas, identified other surveillance cameras in the area, and obtained additional video
15 footage for evidence.

16 9. Later the same morning, TPD detectives interviewed M.M. She initially
17 stated that she had no idea who may have bombed the Kia Forte. Detectives and M.M.
18 reviewed a portion of the video footage and noted two persons approach the vehicle and
19 depart the area just prior to the explosion. After reviewing the video, M.M. believed one
20 of the people depicted was BENNETT. M.M. believed the person to be BENNETT
21 because of the way the person was walking, the person's tall wedge shoes/heels, and the
22 vehicle that person departed in was similar to a vehicle she has recently seen BENNETT
23 drive. M.M. did not recognize the second person, but believed the second person to be a
24 white male.

25 10. Later the same morning, TPD Detectives interviewed D.H. after he returned
26 from work. D.H. identified the Kia Forte as his vehicle, but explained that M.M. drives
27 the vehicle daily. D.H. reviewed the surveillance video, similarly could not identify the
28 second person, but identified the same person that M.M. had identified as BENNETT

1 based on the way she walked, her shoes, and a recent argument between BENNETT and
2 M.M.

3 11. TPD Detectives also reviewed surveillance video from a nearby neighbor
4 and observed the suspect vehicle was a Ford Crown Victoria or similar surplus police
5 vehicle with a driver's side spotlight.

6 12. I have now reviewed multiple surveillance videos from surveillance
7 cameras at and around 9223 South D Street that captured the suspects' actions and the
8 explosion. At approximately 2:37 a.m., October 13, 2016, a Ford Crown Victoria arrived
9 and parked across the street from 9223 South D Street. A woman (that the investigation
10 identified as BENNETT) wearing high-heeled shoes walked across the street and out of
11 view towards 9223 South D Street. At approximately 2:42 a.m., BENNETT returned to
12 her vehicle. At approximately 3:02 a.m., BENNETT departed the area in her vehicle, and
13 then returned at approximately 3:27 a.m. At approximately 3:34 a.m., BENNETT and a
14 male wearing a hooded sweatshirt (the investigation later identified this person as FITE)
15 exited the Ford Crown Victoria and approached the residence at 9223 South D Street. At
16 approximately 3:37 a.m., FITE approached the rear of D.H.'s Kia Forte and appeared to
17 place something under the vehicle. As FITE did this, BENNETT walked by back towards
18 her vehicle. When FITE was done at the rear of the Kia Forte, he then stood up and
19 jogged to catch up with BENNETT, who was crossing the street towards her vehicle.
20 They both entered the Ford Crown Victoria, with BENNETT as the driver and FITE as
21 the passenger. At approximately 3:42 a.m., sparks appeared under the rear of the Kia
22 Forte; moments later, there was an explosion. BENNETT and FITE then drove away.

23 13. On October 21, 2016, TPD Detective Brooks and I interviewed D.H. at
24 TPD headquarters. D.H. confirmed other details he had already provided to detectives on
25 the day of the explosion, but added that he thinks his car was blown up because people
26 think that he is a "snitch." D.H. also identified additional possible suspects or persons
27 with knowledge of the bombing, including but not limited to A.W. During the interview,
28 Detective Brooks showed D.H. a photograph of BENNETT (based on law enforcement

1 records), and he confirmed her to be the same person he believed to be in the surveillance
2 video.

3 14. On October 25, 2016, TPD Detective Brooks interviewed M.M. at TPD
4 headquarters. M.M. confirmed other details she had provided to detectives the day of the
5 explosion. M.M. went on to state that A.W. was telling people that D.H. is a “snitch.”
6 M.M. also stated that she had observed a Crown Victoria-type vehicle parked at
7 BENNETT’s residence within the past week. M.M. further noted that she reviewed the
8 surveillance video again and observed the person she believed to be BENNETT smoking
9 a cigarette just prior to the bombing. During the interview, Detective Brooks showed
10 M.M. a photograph of BENNETT, and she confirmed the person depicted to be the same
11 person she observed in the surveillance video.

12 15. On November 1, 2016, I interviewed G.L., a neighbor of 9223 South D
13 Street. G.L. stated that she awoke between 3:00 and 4:00 a.m. on October 13, 2016, to the
14 sound of a loud explosion. G.L. said that she looked out her window and observed smoke
15 coming from the vehicle parked at 9223 South D Street. G.L. then observed a four-door
16 sedan parked at or about 9227 South D Street. G.L. stated that, within two to three
17 minutes after the explosion, the sedan departed the area while slowly driving by the
18 smoking vehicle at 9223 South D Street. G.L. believed the driver of the vehicle was male,
19 but could not clearly see the person or if there were any other occupants of the vehicle.

20 16. On or about November 14, 2016, TPD Detective Brooks obtained a state
21 arrest and search warrant for BENNETT and her Ford Crown Victoria. On November 16,
22 2016, TPD officers observed BENNETT depart her residence at 7047 East Portland
23 Avenue, Tacoma, Washington. Officers executed a traffic stop on BENNETT, who was
24 the sole occupant of the car, arrested her, and seized the vehicle she was driving: a 1998
25 Ford Crown Victoria with Washington license plate AYU2522. BENNETT and her
26 vehicle were transported to TPD headquarters. TPD Detective Brooks and I attempted to
27 interview BENNETT, but she invoked her *Miranda* rights and requested a lawyer.

1 Detective Brooks and I then executed the state search warrant on the Ford Crown
2 Victoria and seized BENNETT's cellular telephone from inside the vehicle.

3 17. In or about January 2017, Detective Brooks executed a search warrant for
4 BENNETT's cellular telephone, which was seized from the Ford Crown Victoria
5 BENNETT was driving at the time of her arrest. At that time, BENNETT had told
6 Detective Brooks that her cell phone was in the car. Data on the phone also showed that
7 its subscriber or owner was "Miss Kenni."

8 18. The phone contained several texts the day of the bombing that were
9 pertinent to the investigation. On October 13, 2016, at approximately 3:13 a.m.—about
10 30 minutes prior to the bombing—BENNETT texted "I'm here" to a contact identified as
11 "Thomas." (The investigation later determined that "Thomas" is FITE.) At approximately
12 7:33 a.m. that day, BENNETT texted contact "Azn Joe" in response to his inquiries
13 about police at D.H.'s house. She stated "idk what you are talking about unless we speak
14 in person or it is some serious shit. For it is serious I could get into trouble." Then at
15 10:58 a.m., BENNETT texted Azn Joe, "I did that last night...want to know got to tell u
16 in person but you'll love it, some snitch payback." Between approximately 11:01 a.m.
17 and 11:13 a.m., BENNETT texted contact "Amy Burner," who seemed uncertain if
18 BENNETT was involved in the bombing but informed BENNETT that surveillance video
19 captured heels and a car. BENNETT appeared to reference what may be on the video,
20 stating, "a dude maybe in all black with hoodie not me." At approximately 11:38 a.m.,
21 BENNETT texted contact "Native Jen," "He dais he had my heels on camera. I threw
22 them away. Fast away. Far away. Amy didn't even know I did anything."

23 19. In addition to the text messages stored on BENNETT's phone, there was a
24 video file on the phone date stamped October 13, 2016, at 3:42 a.m.—about the time of
25 the bombing. Detective Brooks viewed that video file. The video itself was dark, but it
26 included audio of a male voice and a female voice describing how they had just blown up
27 a car. Detective Brooks recognized the female voice on the video file as BENNETT's.
28

1 20. BENNETT was eventually charged by the Pierce County Prosecuting
2 Attorney's Office with one count of Malicious Placement of an Explosive Device in the
3 Second Degree, and held in custody at the Pierce County Jail. I have reviewed recordings
4 of several jail calls placed by BENNETT while she was in custody. In one of these calls,
5 BENNETT acknowledged that she was present for the bombing, but said that it was
6 "Tim" who placed the explosive on the vehicle. BENNETT also stated that she drove
7 "Tim" to the bombing. In multiple calls, BENNETT referenced her vehicle and identified
8 it as a 1998 Gold Crown Victoria with rims in the trunk. She also acknowledged in
9 multiple calls that the title of the Crown Victoria is not in her name, and said she will
10 have difficulty retrieving the car from police evidence.

11 21. In other jail calls, BENNETT separately instructed her friend, identified as
12 A.L., to log in to BENNETT's Verizon account and remotely wipe her cellular telephone.
13 A.L. agreed and advised BENNETT that she had already changed BENNETT's Google
14 e-mail password. BENNETT made multiple references to "Amy running her mouth" and
15 implied that she was the source of information for the police. In another call, BENNETT
16 stated that she will "whip [Amy's] ass when [BENNETT] gets out" and "they will need
17 [Amy's] witness statements." In a separate call, BENNETT instructed an unidentified
18 male to "get a hold of [D.H.], fuck with him, get that shit on recording" and "if I could
19 get out I know people that can do that shit" to convince D.H. to change his story and
20 claim that he placed the explosive device on his own vehicle.

21 22. On February 8, 2017, TPD Detective Brooks interviewed BENNETT at
22 TPD Headquarters in the presence of her attorney, J. Meske, who made her available for
23 a voluntary interview. Detective Brooks advised BENNETT of her *Miranda* warnings,
24 and BENNETT agreed to talk. BENNETT admitted to participating the bombing of
25 D.H.'s Kia Forte on October 13, 2016. BENNETT stated that the motive for the bombing
26 was retaliation for D.H. being an informant and providing information to the police.
27 BENNETT stated that she learned through A.W. that D.H. was cooperating with police,
28 and she identified BENNETT as a drug dealer. BENNETT stated that she and A.W. went

1 to the Puyallup tribal reservation and obtained an explosive device from a person she
2 believed to be named “Sonny.” BENNETT described the device as cardboard in the
3 shape of a small soda can with a green fuse sticking out of one side and a magnet
4 attached. BENNETT stated that she drove by D.H.’s residence on October 13, 2016,
5 observed his vehicle present, and believed him to be home. BENNETT then drove and
6 picked up FITE, provided him with the explosive device, and had FITE place the device
7 under D.H.’s vehicle. BENNETT stated that FITE lit the fuse before walking off.
8 BENNETT said that they both left the area in her Ford Crown Victoria after the device
9 exploded. BENNETT admitted to attempting to videotape the explosion with her
10 cellphone, but said that the picture was too dark. BENNETT also stated that she dropped
11 off FITE, but could not recall exactly where he lived. BENNETT said she believed he
12 lived in the vicinity of the 800 block of East 60th or East 63rd Street in Tacoma.

13 23. On February 9, 2017, I received information from TPD Detective Brooks
14 concerning his interview with BENNETT. I conducted several queries with Washington
15 Department of Licensing and identified a Thomas Ward Fite Jr. as residing at 820 East
16 55th Street, Tacoma, Washington. ATF Intelligence Research Specialist R. Knight
17 conducted a subscriber query in a law enforcement database for telephone number 253-
18 257-7131—the number that BENNETT had identified in her contacts as “Thomas” and
19 had texted “I’m here” to at 3:13 a.m. on the morning of the bombing—and identified the
20 owner as C.O. I later queried and identified a C.O. who provided the same telephone
21 number upon her arrest in December 2016 for shoplifting as well as home address of 820
22 East 55th Street, Tacoma, Washington. I passed this information to Detective Brooks and
23 on February 15, 2017, he met with BENNETT and showed her a photograph of FITE,
24 and she confirmed that this was the same person who participated in the bombing.

25 24. On or about February 24, 2017, TPD Detective Brooks obtained a state
26 arrest warrant for FITE. On February 24, 2017, TPD officers arrested FITE at his
27 residence and transported him to TPD headquarters. TPD Detective Brooks interviewed
28 FITE later the same morning. Detective Brooks advised FITE of his *Miranda* warnings,

1 and FITE agreed to talk. FITE admitted to participating in the bombing of D.H.'s Kia
2 Forte on October 13, 2016. FITE stated that he was a methamphetamine user and
3 obtained his drugs from BENNETT. FITE explained that he was at BENNETT's
4 residence approximately one week before the bombing and that she had the explosive
5 device at that time. FITE described the device as approximately the size of an orange,
6 half the size of a soda can, wrapped in black electrical tape and had a fuse sticking out the
7 side. FITE stated BENNETT offered him an ounce of methamphetamine in exchange for
8 his assistance in blowing up the car of a person who was a "snitch." He agreed. FITE
9 stated that on October 13, 2016, he received a telephone call from BENNETT telling him
10 to come meet her at a nearby corner store to go blow up the car. FITE acknowledged
11 receiving a text message from BENNETT stating "I'm here" moments before picking
12 him up. FITE stated that BENNETT picked him up and drove them in a vehicle he
13 described as looking "like a cop car." FITE stated that they parked the vehicle on the
14 corner across from 9223 South D Street and then walked up to the Kia Forte while
15 BENNETT smoked a cigarette. FITE stated BENNETT handed him the device and tore
16 the filter off her cigarette. BENNETT instructed him to place the torn and lit cigarette
17 over the fuse to light it and place the device under the car near the gas tank. FITE said
18 that he did as she instructed, and then they returned to her vehicle while she video
19 recorded the explosion. FITE stated that they then departed the area in BENNETT's
20 vehicle.

21 25. On April 26, 2017, Forensic Chemist J. Jermain completed the laboratory
22 report for items of evidence I submitted in October 2016. Jermain identified residues that
23 may have originated from a chlorate or perchlorate explosive mixture as well as nitrate
24 residues which may also be found in explosive mixtures. Based on my training and
25 experience, I know that these mixtures are common with flash powder devices, which
26 typically consist of potassium chlorate or perchlorate and aluminum powder. Further, I
27 know flash powder devices are commonly constructed with cardboard tubing and often
28 ignited with a black powder fuse containing potassium nitrate. Thus, the results of

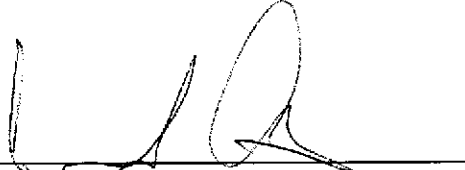
1 Jermain's analysis are consistent with BENNETT and FITE using a flash powder-type
2 device as an explosive.

3 26. On May 5, 2017, I consulted with EEO Brennan Phillips, who had assisted
4 with the post-blast examination on scene as described above. EEO Phillips has since
5 reviewed the ATF Laboratory report prepared by Jermain and examined the physical
6 evidence seized from the scene. Based on the information gathered, EEO Phillips
7 reported to me that the device placed by BENNETT and FITE ON D.H.'s car was used as
8 an explosive weapon and would be properly classified as an explosive bomb and/or
9 destructive device pursuant to 26 U.S.C. § 5845(a), (f). EEO Phillips will issue a final
10 destructive device report pending peer review.

11 27. On May 5, 2017, ATF Firearm Specialist J. Coleman with the ATF
12 National Firearm Act (NFA) Branch conducted a query within the National Firearm
13 Registration and Transfer Record (NFRTR) and found that no firearm, explosive,
14 destructive device, or any other NFA-regulated item had been registered to BENNETT or
15 FITE.

16 **CONCLUSION**

17 28. Based upon the foregoing facts set forth in this affidavit, there is probable
18 cause to believe that KENNI JO BENNETT and THOMAS WARD FITE JR. committed
19 the crime of Unlawful Possession of a Destructive Device in violation of Title 26, United
20 States Code, Sections 5861(d) and 5845(a)(8), (f) .

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David Cline, Special Agent
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

1 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
2 presence, the Court hereby finds there is probable cause to believe the defendants
3 committed the offense set forth in the Complaint.

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5 DATED this 12th day of May, 2017.

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David W. Christel
United States Magistrate Judge