

UNITED STATES DISTRICT COURT
for the
District of Minnesota

UNITED STATES OF AMERICA

Case No. 20-mj-480 DTS

v.

FILED UNDER SEAL

MOHAMED HUSSEIN ABDI

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about May 28, 2020, in Ramsey County, in the State and District of Minnesota, the defendant, Mohamed Hussein Abdi, maliciously damaged and destroyed, and attempted to damage and destroy, by means of fire, a building used in interstate or foreign commerce and in activity affecting interstate or foreign commerce, namely, Gordon Parks High School, located at 1212 University Avenue West, St. Paul, Minnesota, in violation of Title 18, United States Code, Section(s) 844(i).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No


Complainant's signature

Dominic S. Bates, Special Agent

Printed name and title

SUBSCRIBED and SWORN before me
by reliable electronic means (via FaceTime and email)
pursuant to Fed. R. Crim. P. 41(d)(3).


Judge's Signature

Hon. David T. Schultz
United States Magistrate Judge

Printed Name and Title

Date: June 26, 2020

City and State: St. Paul, MN

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 20-mj-480 DTS

MOHAMED HUSSEIN ABDI

ARREST WARRANT

To: Any authorized law enforcement officer

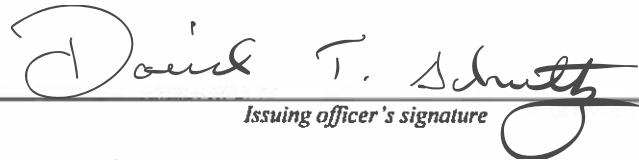
YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) MOHAMED HUSSEIN ABDI,
who is accused of an offense or violation based on the following document filed with the court:

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

On or about May 28, 2020, in Ramsey County, in the State and District of Minnesota, defendant(s) maliciously damage and destroy, and attempts to damage and destroy, by means of fire, a building used in interstate or foreign commerce and in activity affecting interstate or foreign commerce, namely, Gordon Parks High School, located at 1212 University Avenue West, St. Paul, Minnesota

in violation of Title 18, United States Code, Section(s) 844(i).

Date: June 26, 2020



Issuing officer's signature

City and State: St. Paul, MN

Hon. David T. Schultz
United States 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

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

FILED UNDER SEAL

STATE OF MINNESOTA

ss.

**AFFIDAVIT OF
DOMINIC S. BATES**

COUNTY OF HENNEPIN

**AFFIDAVIT IN SUPPORT AN APPLICATION
FOR A COMPLAINT AND ARREST WARRANT**

I, Special Agent Dominic S. Bates, being duly sworn, state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so employed since December 2018. I am currently assigned to the St. Paul Field Division, where I am involved in various aspects of ATF enforcement programs, including investigations of violent criminals, criminal organizations, illegal use and trafficking of firearms, illegal use and storage of explosives, and acts of arson and bombings. Prior to joining the ATF, I went to a State of Illinois certified Police Academy and served as a Police Officer for the Village of Matteson, Illinois, for over three years in the Patrol Division.

2. In my capacity as a Special Agent with the ATF, my responsibilities include, but are not limited to, investigating firearms violations under Title 18 of the United States Code. During my time with the ATF, I have investigated multiple cases falling within the ATF's Arson and Explosives jurisdiction. I graduated from the 26-week combined Criminal Investigator Training Program at the Federal Law Enforcement Training Center and the Special Agent Basic Training at the ATF National Academy. I have received significant amounts of training on the subject-

matter within the ATF's jurisdiction, including courses in criminal investigations, federal firearms violations, federal arson laws, and federal explosives laws.

3. The facts in this affidavit are based on my personal observations, my training and experience, evidence gathered pursuant to search warrants, and information obtained from other agents, law enforcement, and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

4. This affidavit is being submitted in support of the criminal complaint for MOHAMED HUSSEIN ABDI. Based on my training and experience and the facts set forth in this Affidavit, I respectfully submit that there is probable cause to believe that ABDI has committed arson in violation of 18 U.S.C § 844(i).

PROBABLE CAUSE

5. On May 25, 2020, George Floyd died while in the custody of the Minneapolis Police Department. The nature and circumstances of Mr. Floyd's arrest, subsequent death, and the actions of the Minneapolis Police Department came under intense public scrutiny. Almost immediately following Mr. Floyd's death, public protests began in Minneapolis and began expanding throughout the Twin Cities metro area. In the days that followed, in addition to peaceful protests, the Cities of Minneapolis and St. Paul, and some surrounding communities, endured violence and destruction. This violence included numerous arsons in the cities of Minneapolis and St. Paul.

6. On May 28, 2020, an individual, later identified as MOHAMED ABDI, started a fire at the Gordon Parks High School located at 1212 University Avenue West, St. Paul, Minnesota (“Gordon Parks”). The fire was started in the cafeteria of the school. Gordon Parks suffered damage from the fire and from other acts committed by persons known and unknown, such as broken windows.

7. On May 28, 2020, surveillance cameras inside Gordon Parks captured footage of ABDI and another individual, Jose Felan, Jr., intentionally setting a fire in the cafeteria of Gordon Parks High School. ABDI is a black male who can be seen in the video wearing a baseball hat with the words “USA BASKETBALL,” glasses, a dark colored t-shirt as a face mask, a white tank top, and black Adidas pants with three white stripes going down the sides. Felan is a Latino male who can be seen wearing a gray baseball cap, a gray t-shirt, jeans, and a light-colored messenger bag across his shoulder.

8. At approximately 6:05 p.m., the footage shows ABDI and Felan outside a door in the Gordon Parks cafeteria that opens out to the street. Felan breaks the glass on the cafeteria entry door, and ABDI kicks at the glass door, removing most of the glass from the door.

9. Footage from approximately 6:05 p.m. through 6:08 p.m. shows ABDI reaching through the broken bottom pane of glass and pouring a clear liquid from a white container on the floor by the door. After pouring the liquid, ABDI enters the cafeteria and runs out of the frame of the surveillance camera. Felan can still be seen on camera, and he reaches through the broken glass to open the cafeteria door and

enter the cafeteria. At this same time, ABDI comes back into frame pulling a trashcan on wheels and pouring more clear liquid from a white bottle into the can. ABDI continues pouring the liquid as he walks away from the trashcan, appearing to leave a trailer of clear liquid behind him. ABDI exits the cafeteria and gives the white container to Felan. Felan drops the container on the ground outside the cafeteria door.



Figure 1: Felan (left) at the broken cafeteria door with Abdi (right) pouring liquid into the rolling trashcan.

10. ABDI then kneels down by the entrance to the cafeteria and through the broken glass— possibly attempting to light the clear liquid previously poured. Felan then walks into frame with what appears to be a tee shirt or sweater, and gives it to ABDI. ABDI picks up the white container that Felan had dropped on the ground and begins pouring clear liquid from that container onto the garment. ABDI reaches through the broken glass door and places the garment on the floor of the cafeteria.

Felan then approaches the door, removes another white container from his messenger bag, and begins pouring some of the chemical outside of the cafeteria door and on the garment that is lying on the cafeteria floor. Felan then caps the container and returns it to his messenger bag.

11. ABDI is observed reaching through the broken glass and touching a small open flame to the liquid-soaked garment. As the garment catches fire, ABDI throws it further into the cafeteria near the wheeled trashcan that he doused with accelerant, but the area does not ignite. ABDI then enters the cafeteria, again lights the garment on fire, and drops it in the trashcan. At that point, an open flame erupts from the trashcan. ABDI then grabs the trashcan by the handle and turns it on its side. Immediately upon the trashcan being turned on its side, an open flame and black smoke is observed coming from the trashcan. ABDI then exits and run east/northeast from the cafeteria door.

Figure 2: Abdi outside the cafeteria door with the ignited garment



Figure 3: Abdi dropping the ignited garment into the trashcan



Figure 4: Open flame emanating from the trashcan that has been tipped over as Abdi heads for the door

12. On June 6, 2020, ATF Certified Fire Investigators (CFI) examined Gordon Parks and recovered several pieces of evidence. CFI William Fulton noted that items located at this fire scene were consistent with items located the fire scene at the Goodwill retail store across the street at 1239 University Ave West, where Felan was observed starting a fire several minutes prior to the Gordon Parks fire.

13. Gordon Parks High School is a facility that is used in and affects interstate commerce. Specifically, Gordon Parks High School is a school in the Saint

Paul School District that receives federal funding from the United States Department of Education through Title I of the Elementary and Secondary Education Act. According to the website for Saint Paul Public Schools, “Title I is the United States Federal Government’s largest education program to support public schools.” According to the Gordon Parks website, Title I “ensures increased and improved educational opportunities for all students.” Title I funds can be used to “provide interpreters, translate school information into families’ first language, provide transportation to academic meetings and school activities, provide tutoring, and additional academic supports.”

14. Through investigation, several videos and pictures of ABDI were obtained at various locations, at various times throughout the civil unrest in St. Paul, Minnesota, on May 28, 2020. The figures below depict a few of these images.



Figures are numbered clockwise from top left.

Figures 5 and 6: Images of Abdi holding a cellphone.

Figure 7: Abdi and Felan outside the Gordon Parks cafeteria door.

Figure 8: Abdi kicking through a glass window at an unknown location.

15. A local law enforcement officer was shown a picture of the arsonist where his face is visible. This officer has had several interactions with ABDI and recognized and identified the arsonist as ABDI.

16. Law enforcement was also able to find the Instagram account for ABDI, which had the username of "smvma1." Your affiant is familiar with

Instagram, which is a social media site where users can share and post pictures, videos, and “stories.” Your affiant further knows that “stories” are posted by the account user/holder, and the “stories” are available to view for only 24 hours from when they are posted. Your affiant further knows that Instagram allows users to have their “profile” (Account) to be set for public or private view. If a profile is set for private view, only account users whom the account holder has approved can view the accounts pictures, videos or stories.

17. Your affiant observed that ABDI’s Instagram account was public, and only had three pictures posted on the account for public view. The most recent posting is from June 21, 2020, and shows ABDI on a bench wearing a baseball hat with the caption, “Heard it all Seen it all Just wanna ball.”



Figure 9: Abdi's June 21, 2020, Instagram post

18. Your affiant observed that the above hat is manufactured by Mitchell & Ness, a clothing company that specializes in sportswear. According to their website, www.mitchellandness.com, the hat is a 1992 USA Basketball Snapback II Team USA hat. This hat appears to be the same one worn in ABDI's recent Instagram photograph and in the footage taken from the Gordon Parks fire.



Figure 10 (left): Photograph from www.mitchellandness.com showing the 1992 USA Basketball Snapback II Team USA hat

Figure 11 (bottom left): Portion of Figure 9 showing hat.

Figure 12 (bottom right): Portion of Figure 8 showing hat

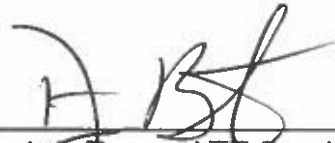


CONCLUSION

19. Based on these facts, I believe there is probable cause that ABDI has violated Title 18, United States Code, Section 844(i), in that he maliciously damaged by means of fire Gordon Parks High School, a building used in interstate commerce, located at 1212 University Avenue West, St. Paul, Minnesota.

Further your affiant sayeth not.

Respectfully submitted,



Dominic Bates, ATF Special Agent

SUBSCRIBED and SWORN before me
by reliable electronic means (FaceTime and
email) pursuant to Fed. R. Crim. P. 41(d)(3) on
June 26, 2020:



The Honorable David T. Schultz
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

20-mj-480 DTS

In the Matter of the Complaint and Arrest of
MOHAMED HUSSEIN ABDI.

FILED UNDER SEAL
PETITION OF THE UNITED
STATES FOR AN ORDER
SEALING COMPLAINT, ARREST
WARRANT,
AFFIDAVIT, RETURN,
PETITION, AND ORDER
FOR SEALING

COMES NOW the United States of America by its undersigned attorneys and in support of its Petition for an Order Sealing Complaint, Arrest Warrant, Affidavit, Return, and Petition in the above-captioned matter, states as follows:

1. On June 26, 2020, The Honorable David T. Schultz issued a Warrant authorizing the arrest of Mohamed Hussein Abdi.

2. The Affidavit of Special Agent Dominic S. Bates, submitted in support of the Arrest Warrant, sets forth facts establishing probable cause to believe that Abdi committed arson, in violation of 18 U.S.C. § 844(i).

3. The arrest warrant documents presented to this Court include detailed and sensitive investigative information regarding a series of arsons in St. Paul, Minneapolis. Nondisclosure of the arrest warrant and related documents is necessary to prevent the ongoing investigation from being compromised. First, public filing of the documents may cause Abdi and his companions to continue evading arrest. It could cause other targets or witnesses to flee as well. Second, public filing would compromise details about the nature, extent, and scope of the investigation. This may frustrate law enforcement efforts to continue to pursue Abdi and those with whom he committed crimes. Third, disclosure would jeopardize the safety and wellbeing of law enforcement officers who will be attempting to arrest Abdi and his companions.

4. The Court's power to prevent disclosure of its files, especially for a limited

period of time, is well established. This general power has been recognized by the United States Supreme Court.

It is uncontested, however, that the right to inspect and copy judicial records is not absolute. Every court has supervisory power over some records and files and access has been denied where court files might have become a vehicle for improper purposes.

Nixon v. Warner Communications, Inc., 435 U.S. 589, 598 (1978). The Eighth Circuit has recognized the Court's specific power to restrict access to warrant documents like those at issue here:

We hold that the qualified first amendment right of public access extends to the documents filed in support of search warrants and that the documents may be sealed if the district court specifically finds that sealing is necessary to protect a compelling government interest and that less restrictive alternatives are impracticable.

In re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8th Cir. 1988).

5. The Eighth Circuit and district courts within the Circuit have recognized that the circumstances surrounding ongoing investigations constitute compelling government interests warranting the sealing of warrant documents. For example, the Eighth Circuit has approved sealing warrant documents that "describe[d] in detail the nature, scope and direction of the government's investigation and the individuals and specific projects involved," resulting in "substantial probability that the government's on-going investigation would be severely compromised if the sealed documents were released." *Id.* at 574. Moreover, the Eighth Circuit has recognized that warrant affidavits permeated with references to individuals other than the subjects of the warrant and/or with information revealing the nature, scope and direction of the government's ongoing investigation may be sealed not only because they present compelling government interests justifying sealing, but also because less restrictive alternatives to sealing are in such circumstances impracticable.

Gunn, 855 F.2d at 574.

6. Based upon the foregoing and all the files and proceedings to date, the United States respectfully requests that this Court issue an Order Sealing the Warrant, Application, Affidavit of Special Agent Dominic S. Bates, Return, this Petition, and the Sealing Order until the close of business on December 26, 2020, unless a compelling interest is shown by the United States for a continuation of the sealing.

7. The United States respectfully requests that the Court grant the order to seal the attached warrant and the affidavit of Dominic S. Bates, expect that the United States may disclose the attached warrant and warrant materials to other law enforcement entities, including those outside the United States, for the purpose of executing the arrest warrant.

Dated: June 26, 2020

Respectfully submitted,

ERICA H. MacDONALD
United States Attorney

/s/ Emily Polachek

BY: MELINDA A. WILLIAMS
EMILY A. POLACHEK
Assistant United States Attorneys

UNITED STATES DISTRICT COURT 20-mj-480 DTS
DISTRICT OF MINNESOTA

In the Matter of the Complaint and Arrest of
MOHAMED HUSSEIN ABDI

FILED UNDER SEAL

ORDER FOR SEALING

This Court, having reviewed the Petition of the United States herein, finds that the United States has shown a compelling interest in the sealing of documents in the above-captioned matter because:

- a. Nondisclosure of the arrest warrant documents is necessary to prevent Abdi and others from continuing their flight from prosecution.
- b. Nondisclosure of the arrest warrant documents is necessary to prevent the ongoing investigation from being compromised.
- c. Nondisclosure of the arrest warrant documents is necessary to effectuate the arrest of Abdi without compromising officer safety.

This Court also finds that less restrictive alternatives to sealing are impracticable or not appropriate.


It is therefore:

ORDERED that all documents filed in the above-captioned matter are hereby sealed until the close of business on December 26, 2020.

IT IS FURTHER ORDERED that these documents will be unsealed at the above time unless further compelling interest is shown by the United States for continuing this Order for an additional period of time.

IT IS FURTHER ORDERED that the warrant materials may be disclosed to other law enforcement entities, including those outside the United States, for the purpose of executing the arrest warrant.

Dated: June 26, 2020


The Honorable David T. Schultz
UNITED STATES MAGISTRATE JUDGE