

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
) CR NO. 2:24-cr-125-ECM-KFP
)
v.)
)
KYLE BENJAMIN DOUGLAS CALVERT)

MEMORANDUM IN SUPPORT OF MOTION TO DETAIN

The United States (“the government”) seeks detention of Kyle Benjamin Douglas Calvert in this matter. Due to the complexity of this case, the government submits this memorandum in support of the motion to detain that details the strength of the evidence against Calvert and the weight of the factors supporting detention. Calvert is charged with two counts—malicious use of an explosive, in violation of 18 U.S.C. § 844(i), and possession of an unregistered firearm or destructive device, in violation of 26 U.S.C. § 5861(d) and 5871. The case qualifies for detention under 18 U.S.C. § 3142(f)(1)(A) and (E). Furthermore, a charge under 18 U.S.C. § 844(i) raises a rebuttable presumption under 18 U.S.C. § 3142(e)(3)(C) that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community. The following facts support detention.

FACTUAL BACKGROUND

On February 26, 2024, at approximately 7:50 AM, law enforcement received a report of a possible explosion at the Alabama Attorney General’s Office, 501 Washington Avenue, Montgomery, AL. Employees of the Attorney General’s Office who were reporting to work after the weekend discovered the remnants of a possible explosive device and notified authorities. At the same time, law enforcement was also investigating suspicious stickers that were placed around

the area of the Attorney General's office, including on several state office buildings. The investigation would reveal that the same person who placed the stickers also planted the explosive device.

FBI began a detailed investigation into both the bombing and the placement of stickers, which were believed to be related. Part of that investigation involved pulling and reviewing surveillance footage. That footage revealed that on February 24, 2024, at approximately 2:50 AM, an unknown subject, wearing a dark jacket, hat, mask and goggles, was observed on video surveillance in the area of the Alabama Statehouse. At 3:03 AM, the subject was observed placing a sticker on the doors of the Alabama State Capitol building. At 3:35 AM, the subject was observed walking northbound in the area of Washington Avenue and Decatur Street towards the Attorney General's Office. At 3:42 AM, surveillance footage captured a large explosion near the Attorney General's Office. At 3:43 AM, the subject was observed walking north on Bainbridge Street towards Monroe Street and away from the Alabama Attorney General's Office.

Several minutes later, at approximately 3:49 AM, a security officer working at the Southern Poverty Law Center (SPLC) called 911 to report that an explosion had occurred approximately five minutes prior, at the northwest corner of Washington Avenue and Bainbridge Street. At approximately 3:54 AM, a Montgomery Police Officer arrived in the area. Because of the location of the explosion, the officer was unable to see any evidence of it from his vantage point. At 4:13 AM, the officer cleared the call as unfounded.

The stickers placed on State buildings depicted different graphics, advocating for various political ideologies. Some included the phrase "Support your local antifa." Antifa, short for Anti-Fascist, does not describe a particular group, but rather describes individuals who adhere to what

they consider as “anti-fascist beliefs.” The term Antifa is often associated with anarchist violent extremists, individuals who, in addition to holding anti-fascist beliefs, are also opposed to capitalism and the current form of the U.S. government and who advocate violence to achieve their goals.

According to multiple video surveillance captures of the subject and a thorough analysis of the video images, the subject appeared to be a white male, wearing a black or dark leather-like jacket, with dark colored pants, a gray or tan beanie hat, black or dark leather-like shoes, a blue facemask and goggles with a thick black strap with thick circular lenses. Investigators used video surveillance footage of the subject at known locations to estimate that the subject was approximately 6’2” tall and slender. The subject walked with a unique walk in which his toes pointed inward when he took a step. The subject’s walk appeared to be more pronounced on his right side which caused the appearance of a limp when he walked.

Investigators learned that the device was a coffee container-like vessel which contained insulation material soaked in a gasoline or lighter fluid substance, a mortar, firecrackers and nails. The FBI Laboratory report classified the explosive as an Improvised Explosive Device (IED). The general components of an IED consist of an explosive main charge, a fusing system, and sometimes a container and/or fragmentation. Additional enhancements may be added to an IED to increase its destructive capability and lethality. This IED used commercially available pyrotechnic fireworks as the main explosive charge, a coffee can as a concealment container, and was enhanced with added fragmentation and ignitable liquids. The addition of metal screws, nails, and other hardware to this IED demonstrates weaponization characteristics due to the enhanced fragmentation effect that those materials would create. The addition of ignitable liquids to the IED

demonstrates weaponization characteristics due to the enhanced ability for the IED to initiate a fire. The action of placing and initiating the IED on the walkway beside a government building demonstrates that this device was used as a weapon against property and/or to cause injury/death.



Photograph of nails added to the device to increase its destructive capabilities

Additional investigation into the subject's likely path of departure from the downtown area after the explosion, which was conducted by reviewing video surveillance footage, revealed the following: 3:55 AM the subject was observed walking northbound in the area of Bainbridge Street and Madison Avenue; 3:57 AM the subject was observed walking in the area of Tallapoosa Street and Columbus Street; at 4:01 AM the subject was observed near the Alley Bar walking towards Commerce Street; at 4:03 AM the subject was observed in the Alley Bar area walking towards

Coosa Street and Tallapoosa Street; at 4:06 AM the subject was seen walking north on Coosa Street; at 4:06 AM the subject was at the north end of Coosa Street walking back south on Coosa Street, appearing to have turned around; at 4:09 AM the subject was seen walking southeast on Commerce Street; at 4:12 the subject was in the area of the Renaissance Hotel on Commerce Street near Bibb Street; at 4:15 AM the subject was seen south on Lee Street towards Montgomery Street. At around 4:18 AM the subject was observed walking north on Molton Street towards Bibb Street.

After the review of additional camera footage obtained by law enforcement from private and public entities, investigators learned the subject arrived in a silver sedan, possibly a Toyota and parked in the area of 249 Molton Street at approximately 2:05 AM. The subject sat in the car for approximately three minutes and then exited. Investigators believe this is the same subject who detonated the explosive device based on the individual's appearance, dress and unique walk. At approximately 4:18 AM, the subject was observed re-entering the silver vehicle on Molton Street where the subject sat for approximately five minutes. From there the subject departed in the vehicle north on Molton Street, east on Montgomery Street, south on Catoma Street, and continued to drive through the downtown area. At approximately 4:34 AM the vehicle was observed driving south on Court Street and was observed entering the ramp for I-85 towards I-65.

Further investigation of surveillance footage from downtown Montgomery the night of the incident led to additional identifying information on the silver vehicle. Investigators determined the vehicle to be an approximately 2007 – 2010 silver Toyota Camry. This information was based on several vehicle descriptors compared with those model years as well as the expert opinions of certified Toyota salesmen from the Toyota dealership in Montgomery. In addition to the make and model year, the specific vehicle the subject was seen entering and exiting had additional unique

features. The vehicle had what appeared to be several uniquely shaped and placed stickers on the rear portion and the rear bumper. One decal was very distinct because it was in the shape of an irregular triangle located on the right side of the bumper. Additionally, the vehicle's driver side rear door appeared to be a slightly different color than the rest of the vehicle, which was indicative of a poorly matched repair job.

Investigators continued to search through public and private closed-circuit television (CCTV) surveillance footage from the downtown area as well as databases of law enforcement license plate readers (LPRs), which are managed by several different law enforcement agencies throughout the State of Alabama. Investigators came across a silver 2008 Toyota Camry which was captured from an LPR located in Irondale, Alabama on February 24, 2024, at around 5:15 PM (CST). Investigators compared the shape and placement of stickers with those on the subject's vehicle from downtown Montgomery and identified several similarities as evidenced in the photographs below. Specifically, investigators noted similarities in the shape of the decal on the right rear bumper, the left rear bumper, under the right taillight, and to the right of the Toyota logo in the center. This is referenced in the photos below:



Left Photo: LPR captured image

Right Photo: Subject vehicle downtown Montgomery

Investigators identified a surveillance photo from the subject vehicle in downtown

Montgomery on the night of the explosion which depicted the difference in color on the rear driver's side door which was compared with a security photo of the identified vehicle from above. The comparison revealed both vehicles have the same unmatched color pattern on the rear driver's side door. This is referenced in the photographs below:



Left Image: Security Footage

Right Image: Subject vehicle in Montgomery

The vehicle identified by investigators is registered to Kyle Benjamin Douglas Calvert. Calvert, according to his Alabama driver's license, is 6'3" and weighs 210 lbs. Investigators reviewed surveillance video from Calvert's former place of employment. A video dated February 20, 2024, captured Calvert's Toyota Camry arriving at the business and parking on the frontside of the main office. A review of the video identified a similar white rectangular sticker on the driver's side rear window as was observed on the subject vehicle in the photo above from the night of the bombing.

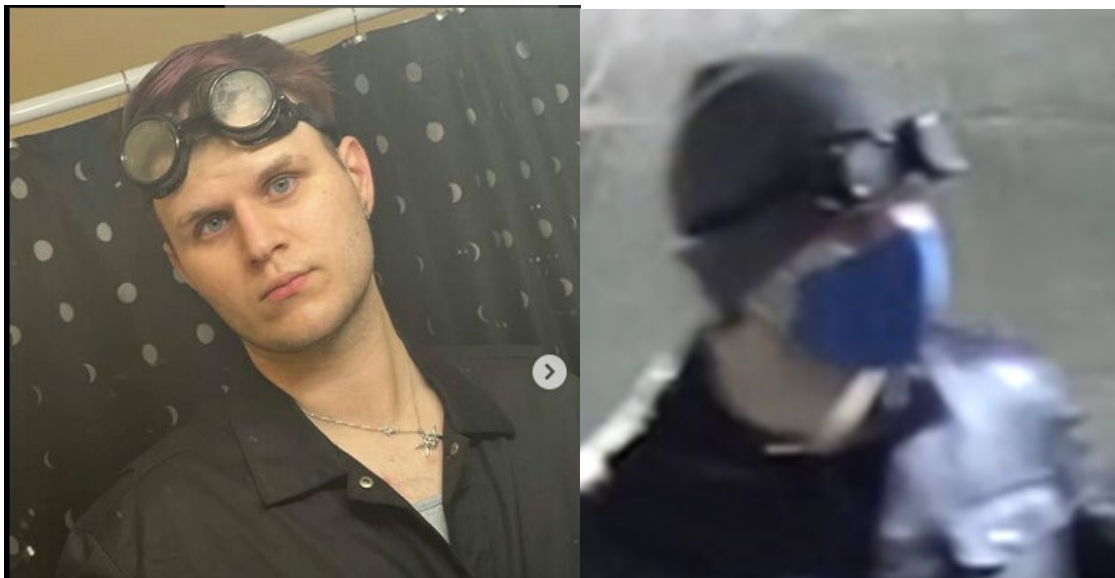
Investigators further used LPR data on the night of the explosion to determine the vehicle likely traveled to Montgomery from its registered location which is in Irondale, Alabama. On February 23, 2024, at 11:55 PM, Calvert's vehicle was captured on an LPR in the area of 23rd Street and 9th Avenue in Birmingham, Alabama. At 12:48 PM, the Calvert's vehicle was captured on an LPR on County Road 42 near the Shell Gas Station located at 12551 County Road 42, Jemison, Alabama. This location was along I-65 south of Birmingham and approximately a 45-

minute drive from downtown Montgomery. Investigators first observed the subject's silver vehicle in the downtown area at approximately 2:00 AM, which is approximately 72 minutes from when the vehicle was observed on County Road 42. Video footage of the vehicle in Montgomery around the time of the bombing indicated the license plate had been removed, possibly accounting for some of the excess travel time.

The next LPR hit on February 24, 2024, was at 5:58 AM (CST) in the location of Grant's Mill Road and Grant's Mill Way, Irondale, Alabama. Investigators noted that, according to Google Maps, the time required to drive from downtown Montgomery to the location of the aforementioned LPR hit was approximately one hour and twenty-two minutes. The vehicle of the subject who detonated the explosive device was last seen getting on I-85 at approximately 4:34 AM, which is roughly one hour and twenty-four minutes before Calvert's vehicle was observed on the LPR. The final LPR is in close proximity to the location where the vehicle is registered. Because the vehicle had a license plate when it returned to Birmingham, it is likely that the subject stopped briefly to put the license plate back on.

Database queries of Accurint, CLEAR, DMV records, ALACOP, and Department of Labor determined Calvert's most recent place of residence. Through law enforcement surveillance, both Calvert and the 2008 Silver Toyota Camry have been seen leaving and returning to that residence. As recently as April 4, 2024, Calvert was seen by surveillance leaving the residence at approximately 0700 and returning at approximately 1715. Investigators determined the identification of Calvert's 2008 Toyota Camry along I-65 south of Birmingham on February 24 as significant. A review of LPR data for Calvert's vehicle did not produce any trips to Montgomery since at least February 20.

Law enforcement used investigative methods to identify social media accounts associated with Calvert. Investigators identified three accounts and used known driver's license photos of Calvert to compare with the photos on the accounts. Investigators believe the accounts belong to Calvert. One such account contained an image of Calvert wearing goggles identical to the goggles worn by the subject who detonated the explosives and placed the political stickers on the morning of February 24, 2024, in Montgomery. Below for comparison is the image from one of Calvert's social media accounts which was posted August 10, 2022, along with an image from the suspect.



Left Image: Calvert on social media

Right Image: Downtown Montgomery Subject

Investigators identified another social media account belonging to Calvert. On or about January 10, 2024, Calvert posted a video detailing his purchase of a set of stickers from a company based in Australia. In the video, Calvert displayed the stickers one-by-one and discussed them. Investigators reviewed this video and recognized at least sixteen stickers which were of identical design to the stickers placed by the subject in and around the Alabama Statehouse and downtown Montgomery on February 24. Investigators collected stickers from the scene and compared them

to the ones displayed by Calvert. Investigators noticed the one-of-a-kind uniqueness of the sticker designs. In particular, the following stickers were identified as being placed by the subject which also matched with the stickers held by Calvert in the above-referenced social media video:

- An Antifa logo superimposed over a rainbow flag background, with the words, “ANTI-FASCISM IS COMMUNITY SELF-DEFENSE.”
- Construction equipment on fire and several trees in the background, a white star on the left and right of the banner with the words, “IN SOLIDARITY WITH THE WILD.”
- A black and white image of a masked individual wearing a baseball hat and holding a flag which read, “ABOLISH PRIVATE PROPERTY.”
- Two red roses superimposed over the globe with the words, “EVERYTHING FOR EVERYONE.”
- An image of a multi-tiered pyramid-like structure with individuals located on each tier, with the words, “TOPPLE ALL HIERARCHIES.”
- The “A” symbol, assessed to represent anarchy, next to an image of an AK-47 rifle, superimposed over a black background with leaves and flowers, with the words, “DEFEND NATURE.”
- A purple-colored sticker with a masked face inside of a female pictogram. The words at the top of the sticker read, “FEMINIST ACTION.”
- A white sticker with spatter font which reads, “EAT THE RICH.” The “A” inside the word “EAT” is in the shape of the anarchy symbol.

- An image of multiple masked and hooded individuals, one carrying a sling, and another wearing goggles. In the center of the sticker, the Antifa symbol is displayed above the words, “SUPPORT YOUR LOCAL ANTIFA.”
- A black and blue sticker with white font that reads, “DEATH TO FASCISM.” A small image of a hooded mask is displayed at the top right corner of the sticker.
- A white sticker with black text of an elderly individual holding an AK-47 rifle and the words, “ARM THE HOMELESS.”
- A white sticker with black text featured a masked and hooded individual surrounded by flowers which read, “MY BODY. MY CHOICE.”
- A black and white sticker with the words, “FUCK WORK LET’S RIOT!”
- A black sticker with white digitized font which reads, “NEVER WORK.”
- A black sticker with red and white font with the words, “FRIENDS DON’T LET FRIENDS BECOME COPS.” A red anarchy symbol surrounded by a red heart are in the lower right corner of the sticker.
- A white sticker with black and white font with the words, “ABOLISH ICE.” The letters in the word “ICE” are themed to appear as melting ice cubes.

On February 11, 2024, Calvert posted a video one of his identified social media accounts. This video consisted of Calvert talking about his “violent impulses.” Calvert said, “I am impulsive by nature in some way that can often be violent, or my impulses are violent.” Calvert further stated, “some might call those intrusive thoughts, some might just call them violent impulses...” Calvert also said in the video,

I think too often we do not talk about how difficult it is for violent people to overcome that

[violent impulses]. It took me so much just to get where I could calm the fuck down. It took so much, so many years of bullying and aggression and this recurring daily violence to be ended for that to stop for me to calm down and like register as a person. Like oh, I shouldn't be this aggressive, or if I'm gonna display these tendencies, I need people who will know better, whose clearer thoughts, clearer heads will prevail and hold me the fuck back. Cause more often than not, I'm a person who mirrors energy. I'm your aggression with aggression. Uh, it's taken me a lot to figure out that the best way to meet someone who is kind of running hot, running very violent as a person, like, or is coming at you, like, with very hostile energy is to meet back with the opposite energy. 'Cause if you meet hostile energy with hostile energy, that's how you get murder and violence, and basically the plot to the play Chicago. And I thought, you know, um, maybe one day this won't be an issue. But the reality is this is an issue like every day of my life. Like, I'm very easily frustrated. I'm very impulsive as a person. So often times, it is hard for me to acknowledge that and shut myself down and move on.

On December 12, 2023, Calvert posted another video. This video consisted of Calvert expressing his apparent frustration with the government. "I don't understand how fucking politicians do this shit. How the fuck are people okay with this shit." Calvert then exclaimed in a loud yell, "How the fuck are we not killing the government right now! Fuck!"

Investigators reviewed surveillance video from Calvert's previous employer. A video dated February 20, 2024, captured Calvert walking from his Toyota Camry in the parking lot towards the business. The same camera observed Calvert walking from the business to his car later in the day. Calvert was wearing conspicuously large shiny black shoes, similar to those worn by the subject. Calvert was also wearing similar pants in color and in style. This is referenced in the photo below:



Left Image: Calvert leaving work

Right Image: Montgomery Subject

Investigators reviewed the same surveillance video and recognized Calvert employing a unique gait, with inward facing feet, similar to that of the subject. Moreover, in a video posted by Calvert on or about January 20, 2024, Calvert is standing still while pouring water through a coffee filter. In the video, while standing, Calvert's feet are prominently inward facing. Investigators analyzed hours of surveillance video of the subject walking throughout downtown Montgomery, which revealed the subject to also have a unique gait, to include inward facing feet. A comparison of the video surveillance footage of Calvert as well as personal observations lead investigators to believe Calvert and the subject have a similar gait.



Left Image: Calvert on social media

Right Image: Montgomery Subject

On March 19, 2024, investigators interviewed the direct supervisor and two former co-workers of Calvert. Calvert's first day of employment at this job was February 19, 2024. He caused immediate alarm with co-workers, who were concerned Calvert's strange behavior and with the stickers on Calvert's Toyota Camry which read, "BE GAY DO CRIME." Calvert was further described as a "loner" who avoided eye contact with everyone, wore all black-colored clothing, and avoided speaking to other employees. Moreover, Calvert was consistently late to work and failed to follow instructions.

Co-workers also noted that Calvert wore a black jacket that extended to his waist, and he wore thick, black boots. Investigators noted the description of the jacket is similar to the one worn by the bombing suspect in downtown Montgomery. On February 28, 2024, Calvert's supervisor informed him that his employment was no longer needed. Calvert subsequently collected his belongings and left the premises without incident.

On March 26, 2024, investigators interviewed Calvert's supervisor at another employer. This supervisor managed and interacted with Calvert over a period of approximately three years. Calvert was described as a loner who did not associate with any co-workers outside of work. This

supervisor indicated many issues with Calvert, including that Calvert suffered from a lot of “mental struggles” and was “borderline unstable.” Calvert’s attire was often black in color. He often wore “giant” black shoes and fingerless black gloves. Investigators noted the Montgomery subject also wore large black shoes and fingerless black gloves. During the interview, investigators showed the supervisor a video of the Montgomery subject walking without caption or context. This supervisor stated, “That’s him. That’s Kyle’s walk. See how he is walking with his toes pointed inward? [...] The gloves and the boots are dead giveaways for me.” Furthermore, this former supervisor confirmed Calvert’s phone number as of his departure from the company in February 2024. In an interview with his direct supervisor on April 2, 2024, that particular supervisor stated he knows with certainty the individual in the video is Calvert. Calvert had a “gimp leg.” His right foot was always pointed in “like someone hit him in the leg with a pipe.” Both supervisors said they were “100% certain” the individual in the video is Kyle Calvert.

On March 28, 2024, a search warrant, signed in the Middle District of Alabama, was served on AT&T for a phone number known to belong to Calvert. The period requested was February 9 through March 10, 2024. On April 4, AT&T was responsive to the search warrant and based on a review of that information, Calvert’s phone did not transmit location data for approximately seven hours on the date and time during which the bombing took place. At approximately 11:30 PM on February 23, 2024, through approximately 6:00 AM on February 24, Calvert’s phone was not transmitting location data.

ARGUMENT

Calvert cannot overcome the rebuttable presumption that he is a danger to the community and should be detained. Per 18 U.S.C. § 3142(e)(3)(C), a rebuttable presumption is established by

an offense under “section 2332b(g)(5)(B) of title 18, United States Code, for which a maximum term of imprisonment of 10 years or more is prescribed.” That section includes an offense under 18 U.S.C. § 844(i), a violation with which Calvert is charged.

Furthermore, the factors in 18 U.S.C. § 3142(g) weigh heavily against Calvert. Calvert is charged with a federal crime of terrorism. Calvert detonated a destructive device outside a government building. That device had the characteristics of an IED, and Calvert added a substantial number of nails and other shrapnel to increase its destructive capability. Calvert has expressed his belief that violence should be directed against the government, and he has described his inability to control his own violent, aggressive impulses. The bombing at the Alabama Attorney General’s Office demonstrates that his own words and his own concerns were not frivolous. Calvert is violent, and he is dangerous, just as he said. If Calvert is released, the danger to the community from a second offense is greatly increased.

And the weight of the evidence against Calvert is significant. The individual who detonated the explosive device is on video both arriving and departing in Calvert’s car. Calvert is on video describing the unique stickers he purchased from an Australian company that match perfectly those stickers found around the bombing site. Calvert matches the physical description, including the unique gait, height, and weight of the suspect. Furthermore, Calvert has been seen wearing the same style of clothing and goggles as the suspect. And Calvert’s co-workers identified him as the person in the recovered videos who detonated the device. The weight of the evidence against him—and the danger he poses if he is released—counsel strongly against release.

CONCLUSION

The Court should order Calvert to be detained.

Respectfully submitted this the 10th day of April, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2024, I filed the foregoing with the Court’s electronic filing system which served a copy on all parties.

Respectfully submitted,

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