

AFFIDAVIT

I, Phillip J. Top, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant against Jonathan A. Barajas Nava ("NAVA") for a violation of 18 U.S.C. § 844(i) (Arson of Building Affecting Interstate Commerce) by setting fire to the Retreat Church and Yucaipa Christian Pre-School in Yucaipa on April 24, 2024.

2. The facts set forth in this affidavit are based upon my personal observations; my training and experience; and information obtained from various law enforcement personnel 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 purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

II. BACKGROUND OF PHILLIP J. TOP

3. I am a Special Agent ("SA") with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF"), and have been so employed since March 2023. I am currently assigned to the ATF Los Angeles Field Division, Riverside Field Office. As an SA for ATF, I have participated in multiple investigations involving violations of federal laws

and regulations, including cases involving prohibited persons possessing firearms, illegal sales or transfers of firearms, the distribution of illegal narcotics, and persons trafficking firearms. In order to become an SA with ATF, I attended the 27-week Criminal Investigator and Special Agent Basic Training Academies for the ATF in Glynco, Georgia. This included over 80 hours of fire investigation training.

4. Prior to being employed as an ATF SA, I was employed with the United States Border Patrol for approximately eight years. During that time, I had many specialized assignments, which included the Sector San Diego Prosecutions Unit, three separate task forces, and the Sector San Diego Office of Emergency Management.

5. I was also a Maritime Enforcement Specialist with the United States Coast Guard Reserve for eight years. During this period, I was tasked as a Facility Inspector, Boarding Officer, Boat Team Member, Training Petty Officer, and Rescue & Survivor Petty Officer, among other assignments.

6. In 2012 I earned my bachelor's degree, majoring in Law and Justice.

III. SUMMARY OF PROBABLE CAUSE

7. On April 24, 2024, NAVA, who had recently traveled from New Mexico to California, and who was on probation in New Mexico following an arrest involving a church fire, set fire to the Retreat Church and Yucaipa Christian Pre-School in Yucaipa, California. He started the fire by pouring an ignitable liquid on the building containing the church and pre-school, and then

igniting the liquid. Law enforcement and the fire department responded, and the fire was put out with no reported injuries. After setting fire to the church and preschool, NAVA set fire to an optometry office by pouring ignitable liquid on the building that the optometry office was located within, and then igniting the liquid. Investigators then responded to a report that a driver—later determined to be NAVA—had crashed his truck, and as an officer approached NAVA, who was still sitting in his truck, the officer saw a fire ignite inside the truck. First responders rescued NAVA and ultimately took him to a hospital for treatment.

IV. STATEMENT OF PROBABLE CAUSE

8. Based on my review of law enforcement reports, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

A. First Responders Arrive at Scene of Arson at the Retreat Church and Yucaipa Christian Pre-School

9. On April 24, 2024, at approximately 1:39 p.m., California Department of Forestry and Fire Protection ("CAL FIRE") responded to a 911 call by a witness, D.D., who reported an arson at the Retreat Church and Yucaipa Christian Pre-School located at 34968 Avenue H, Yucaipa, California. The 911 caller stated, "someone placed a gas can in front of the church and lit in on fire." Another 911 caller, M.O., reported that someone in an older gray mini pickup truck, with a loud muffler, "threw a can of gas on the porch and lit it on fire."

10. One of the arriving responders, Deputy Michael Castaneda, interviewed M.O., who lives across the street from the church and pre-school. According to Deputy Castaneda's report, M.O. said that at about 1:36 p.m., M.O. was unloading M.O.'s truck in M.O.'s driveway when M.O. heard a loud noise coming from the exhaust of an older model grey, single-cab, pick-up truck. M.O. watched as the pick-up truck pulled into the driveway of the church and pre-school. M.O. saw the truck stop, and then saw a man get out of the truck, walk to the church's front door, and begin to pour fluid from what appeared to be a red gas can onto the door of the church. M.O. then saw flames where the man had been standing. M.O. saw the man who was at the church door turn around, return to the pick-up truck, and drive away. M.O. took a picture of the fire and the truck as it was leaving the church. A cropped version of that picture is included below:



11. M.O. described the person who set the fire as a Caucasian or Hispanic man, short or medium height, and wearing a hoodie or beanie.

12. M.O. then ran across the street toward the fire. M.O. grabbed the red gas can and floor mat that were on fire and pulled those items away from the door. M.O. stomped on the flames on the floor and on the wall until first responders arrived.

13. First responders from CAL FIRE and Yucaipa Fire Department arrived at the scene at about 1:46 p.m. Fire personnel arrived and saw a black door mat that was still on fire, and a red gasoline can near the fire. Fire personnel moved the black mat and gasoline can from the front door (origin area) into the driveway and used a fire extinguisher to put the fire out.

14. Deputy Castaneda also spoke with Yucaipa Christian School's director, T.D., who said that at about 1:36 p.m., the fire alarm went off inside the church and Yucaipa Christian Pre-School. Fourteen school staff members, including T.D., evacuated the 48 children to a grass area outside the building. After the kids and staff members were evacuated, T.D. went back inside the building, discovered smoke coming from the front door, and called 911.

15. The next day, on April 25, 2024, Deputy Castaneda spoke with another witness, S.G., who drove past the church and Yucaipa Christian Pre-School at about 1:37 p.m. on April 24, 2024. As S.G. drove by, S.G. slowed down and saw a man running

towards a grey truck carrying a red gas can. S.G. captured pictures of the fire and the truck. A cropped version of one of those pictures is included below:



16. ATF TFO Nicholas Schroeder, a CAL Fire Arson and Bomb Investigator, arrived at about 3:15 p.m. and assumed primary investigative responsibility of the fire scene.¹ I arrived a few minutes later. During TFO Schroeder's investigation of the Fire scene, he noticed an open black door with a glass insert on the south side of the Retreat Church. As he approached the area, he noticed a strong odor of gasoline. As he began the scene investigation, he saw black soot along the stucco wall as well as burned vegetation on the west side of the sidewalk leading

¹ TFO Schroeder is an Arson and Bomb Investigator for the State Fire Marshal and has completed over 200 hours of Fire Investigation Training. TFO Schroeder is employed solely for the investigations of Arsons and Explosions throughout the State of California and is also a lead instructor for Arson/Explosive Classes.

towards the door. While standing outside the doorway, he saw that the interior carpet had been burned and a residual liquid pattern was still on the carpet. Based on the soot observed on the exterior stucco wall and residual patterns on the carpet inside, TFO Schroeder suspected ignitable liquid was used to enhance the fire. At the origin area of this fire, TFO Schroeder found no other items capable of starting a fire. TFO Schroeder also saw what he describes are "pour patterns" of an ignitable liquid. A "pour pattern" refers to the specific way flammable liquids are poured or distributed at a fire scene. Investigators also found a red gasoline can in the driveway of the church, but the gasoline can was missing a nozzle.

17. Based on his observations, TFO Schroeder determined the fire was set with an open flame device, like a lighter, and the fire was accelerated using an ignitable liquid, like gasoline.

B. Second Report of Arson at a Strip Mall Near Gas Meters and Optometry Office

18. While I was at the church and pre-school, at about 4:48 p.m., a 911 caller, S.M., reported a fire at a strip mall located at 34590 County Line Road, Yucaipa, California. The strip mall is about one mile away from the church and pre-school. The strip mall includes eleven suites, including an optometry center, a cosmetic retail store, a hair salon, and a physical therapy office. The optometry center, Van Dusen Optometry, is the first suite located on the south side of the

building. The fire was set along the south wall of Van Dusen Optometry near eight gas meters.

19. The responding deputy, Deputy Efrain Herrera, arrived at the scene and documented in his report that he smelled a strong odor of gasoline next to the gas meter and he saw black burn marks on the exterior wall of Van Dusen Optometry and sidewalk next to the gas meters. He also saw a black gas can spout near the gas meters.

20. Deputy Herrera interviewed three people who work at Van Dusen Optometry. S.M. said that S.M. returned from a lunch break at about 1:30 p.m. and a few minutes after that, S.M. could smell a strong odor of gasoline and it smelled like something was burning. S.M. and a co-worker, J.D., walked outside and S.M. noticed black burn marks on the sidewalk outside the building. Deputy Herrera also interviewed J.D. J.D. walked outside Van Dusen Optometry and noticed burn marks on the cement and walls. Finally, B.V., another employee at Van Dusen Optometry, reported arriving at Van Dusen Optometry at 2:30 p.m. and smelled an odor of gasoline and saw burn marks on the exterior wall of Van Dusen Optometry near eight gas meters.

21. TFO Schroeder and I later arrived at the strip mall and discovered two black soot patterns with distinctive pour patterns that suggested the use of an ignitable liquid. These pour patterns were also against the south wall of the building, immediately adjacent to a parking lot. There was a pour pattern on the south wall of the optometrist's business. There was a second pour pattern to the exterior natural gas meters that

supply the building. There also appeared to be a smaller amount of an ignitable liquid that connected both areas of pouring, indicating to TFO Schroeder that a continuous pour was started at the optometrist's building and that the liquid was poured over the intervening distance between the optometrist's building and the gas meters. Investigators recovered a gasoline nozzle from this scene.

22. Based on TFO Schroeder's observations, he determined the fire was set with an open flame device, like a lighter, and the fire was accelerated using an ignitable liquid, like gasoline. The fire at this location was not burning when first responders arrived, suggesting the fire had burned itself out. The fact that the fire consumed itself is also indicative of the use of an ignitable liquid, as the vapors of these liquids are rapidly consumed and without other combustible materials, will extinguish naturally.

C. NAVA Crashes His Truck, Fire Starts Inside the Truck, and First Responders Rescue and Treat NAVA

23. At approximately 5:44 p.m., a 911 caller, S.B. reported a gray pick-up truck was stuck on top of a chain-linked fence near 31605 Yucaipa Boulevard, Yucaipa, California. S.B. reported the driver of the truck as a Hispanic man wearing black clothing. S.B. said the driver was revving the engine after he had backed into the fence, knocking the fence over, and getting his truck stuck on the fence. S.B., who was later interviewed by Deputy Eric Gonzalez, said at about 5:41 p.m., S.B. had just parked S.B.'s car when S.B. heard a loud crash. S.B. looked

over and saw a small gray truck stuck on a fence and believed the truck had crashed into the fence. S.B. saw the driver trying to put the truck in reverse to free the truck, but when that did not work, the driver then got out of the truck and jumped on the fence. After jumping on the fence several times, the driver got back into the truck as the first deputy arrived.

24. Deputy Steven Theis arrived at the scene at about 5:46 p.m. and saw a grey Toyota pick-up truck stuck on the fence. Deputy Theis parked his patrol vehicle about 10 feet away from the front bumper of the pick-up truck. As Deputy Theis parked, he saw a man, later identified as NAVA, and the only person in the truck, continuously revving the engine of the truck, apparently trying to free the truck from the fence. Deputy Theis told NAVA to get out of the truck, but Deputy Theis did not believe NAVA heard his order, so Deputy Theis approached the truck. As Deputy Theis approached the truck, he saw the inside of the truck suddenly burst into flames and heard NAVA scream.

25. Deputy Theis opened the truck door and NAVA fell to the ground; Deputy Theis saw that one of NAVA's legs was on fire. NAVA extinguished the flames by rolling on the ground. Deputy Theis handcuffed NAVA. NAVA appeared disoriented, in and out of consciousness, and NAVA was unable to respond to basic questions. Deputy Theis requested that fire personnel respond to the scene. By this time, the truck was fully engulfed in flames. Deputy Theis dragged NAVA away from the burning truck. Deputy Theis also removed a few items from the truck.

26. Fire personnel arrived on the scene, extinguished the fire, and began treating NAVA for his injuries.

27. When I arrived at this scene, fire personnel were still extinguishing NAVA's vehicle and were treating NAVA next to a marked Sheriff's vehicle.

28. I immediately recognized the burned truck as the same truck that I saw surveillance footage of from the fire at the church and pre-school. I took pictures of the burned truck and a copy of one of those pictures is included below:



29. I saw a black knit beanie on the ground about 10 feet from the truck. I also saw NAVA and could see that he was wearing a black sweater and a black pair of pants.

D. Used in or Affecting Commerce: Church Leases Space to a Pre-School Charging Tuition and Optometry Office Leases Commercial Space to Sell Products Shipped in Commerce

1. The Retreat Church Leases Space to the Yucaipa Christian Pre-School

30. On April 26, 2024, TFO Schroeder and I spoke with W.C., who informed us that the Retreat Church is an affiliate of the Church of the Nazarene, and that members of the Retreat Church make donations to the church. A portion of those donations are then sent to the Church of Nazarene's national headquarters, which according to the Church of Nazarene's website, is in Lenexa, Kansas.

31. The Retreat Church leases space within the structure located at 34968 Avenue H, Yucaipa, California to the Yucaipa Christian Pre-School. I reviewed Yucaipa Christian Pre-School's Statement of Information filed with the California Secretary of State on January 15, 2021, which shows Yucaipa Christian Pre-School's business address and mailing address is the same address as the Retreat Church. I also reviewed Yucaipa Christian Pre-School's Articles of Incorporation filed with the California Secretary of State on July 2, 2018, which shows Yucaipa Christian Pre-School registered as a non-profit corporation with a business address and service of process address that is the same address as that of the Retreat Church.

32. I also reviewed Yucaipa Christian Pre-School's tuition and registration documents. Yucaipa Christian Pre-School offers a number of different rates and is open from 6:30 a.m. to 6:00 p.m. Parents or guardians of children who attend pre-school five days per week will pay up to \$9,400 in yearly tuition. That price will be reduced if parents pay the entire tuition up front, the child has a sibling at the school, the child is potty trained, or the child attends two or three days instead of five days per week.

2. Van Dusen Optometry Leases Space in a Strip Mall and Sells Goods Moving in Interstate Commerce

33. The fire NAVA set at the strip mall targeted property that is owned by G.K., a commercial real estate investor. G.K. leases property within the strip mall for commercial use. G.K. confirmed that Van Dusen Optometry leases the first suite located on the south side of the building. Van Dusen Optometry employees confirmed that Van Dusen Optometry provides optometry services to paying customers who come into the store based on appointments and as walk-ins. Van Dusen Optometry sells prescription and non-prescription eyewear to customers and those products are shipped to Van Dusen Optometry from outside of California. For example, during my investigation, I interviewed an employee with Van Dusen Optometry, O.D., who allowed me to inspect some of Van Dusen's eyewear inventory. I saw that some merchandise had been sent to the business by UPS Ground from Modern Optical LTD., located in Roselle, Illinois.

E. NAVA's Church Arson in July 2022

34. On July 22, 2022, Albuquerque Police Officer Jason Chavez responded to a report of a building on fire at 801 Arno St. SE, Albuquerque, New Mexico. Upon arrival, Officer J. Chavez discovered a church on fire. Officer Chavez noted in his report that a driver's license belonging to NAVA was found in the area surrounding the church fire.

35. Albuquerque Police Officer Henry Chavez wrote in his police report that about one hour after the church fire, officers found NAVA about a mile away from the church, outside a vehicle with a similar description, attempting to light a gas pump on fire. Officer H. Chavez wrote that NAVA then fled in his vehicle, driving the wrong way down multiple streets, and attempting to collide with multiple pursuing officers.

36. Officer H. Chavez wrote that NAVA eventually crashed his vehicle and attempted to run on foot. Once officers got to NAVA, Officer H. Chavez said NAVA grabbed one of the responding officers' patrol rifles and punched another before being placed under arrest.

F. NAVA Violated Terms of His Parole by Traveling to California Without Notifying His Probation and Parole Officer

37. Based on the July 2022 incident, NAVA was placed on probation in New Mexico based on a guilty plea, "without an adjudication of guilt," arising from charges of Aggravated Fleeing a Law Enforcement Officer, Aggravated Assault Upon a Peace Officer, and Battery Upon a Peace Officer. On April 3, 2023, NAVA was sentenced to 5 years of supervised probation with

a minimum expiration date of April 3, 2028. I reviewed the conditions of NAVA's probation. Among the conditions, were the following: not to violate any law or endanger any person or property, to seek permission from his Probation Officer before leaving the county, to maintain employment, to report as required, and not to possess or consume alcohol.

38. I reviewed a "Major Violation Report" dated April 24, 2024. In the report, Probation & Parole Officer Marion Gray alleged that NAVA violated various conditions of his probation including, failing to report in person, walking out of a counseling program, walking out of a job, and failing to respond to the probation officer. The officer therefore listed NAVA as an absconder.

39. On April 29, 2024, I spoke with Probation & Parole Officer Gray. Officer Gray informed me that NAVA did not seek permission to travel to California.

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V. CONCLUSION

40. There is probable cause to believe that NAVA has committed a violation of 18 U.S.C. § 844(i) (Arson of Building Affecting Interstate Commerce) by setting fire to the Retreat Church and Yucaipa Christian Pre-School in Yucaipa on April 24, 2024.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 3rd day of May, 2024.



HONORABLE SHERI PYM
UNITED STATES MAGISTRATE JUDGE