

United States District Court
NORTHERN DISTRICT OF GEORGIA

Date: Apr 02 2024

KEVIN P. WEIMER, Clerk

By: L. Glaser
Deputy Clerk

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Ervin Lee Bolling

Case Number: 1:24-MJ-284

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 April 1, 2024 in DeKalb County, in the Northern District of Georgia, defendant(s) did, willfully injure and commit a depredation against property of the United States and said damage to said property exceeds \$1,000

in violation of Title 18, United States Code, Section 1361.

I further state that I am a(n) Matthew Upshaw and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes

Matthew Upshaw

Signature of Complainant
Matthew Upshaw

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to me by telephone pursuant to Federal Rule of Criminal Procedure 4.1.

April 2, 2024

Date

at Atlanta, Georgia

City and State

JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

AUSA Katherine I. Terry

katie.terry@usdoj.gov

John K. Larkins III
Signature of Judicial Officer

ATTEST: A TRUE COPY
CERTIFIED THIS

Date: Apr 02 2024

KEVIN P. WEIMER, Clerk

By: L. Glaser
Deputy Clerk



AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Matthew Upshaw, Special Agent with the Federal Bureau of Investigation (“FBI”),
depose and say under penalty of perjury:

Affiant Background

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since 2021. Prior to joining the FBI, I was a military police officer in the United States Army for nine years. I am currently assigned to the FBI Atlanta Field Division’s Atlanta Metropolitan Major Offender Task Force. I am responsible for investigating violent crimes, including bank robberies, commercial business robberies, kidnappings, carjacking, firearms violations, and apprehending fugitives. I have received training in investigating crimes, conducting interviews, and reviewing and analyzing evidence. As a Special Agent, I have reviewed and analyzed electronic evidence in the form of geo-location data, social media accounts, telephone records and other applications used to support criminal activity. I am personally familiar with and have used various investigative methods during my law enforcement career, including, but not limited to, physical surveillance, electronic surveillance, informant and witness interviews, grand jury and administrative subpoenas, and court-authorized wiretaps.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all of my knowledge about this matter.

3. Based on the facts below, there is probable cause that **Ervin Lee BOLLING** has committed violations of 18 U.S.C. § 1361 (Destruction of Government Property).

Statement of Probable Cause

4. On April 1, 2024, at approximately 12:24 pm EDT, an orange 2022 Buick Encore GX SUV, with South Carolina license plate 8455LA, rammed into the final denial barrier at FBI Atlanta's headquarters office (3000 Flowers Rd S, Chamblee, GA 30341 – within the Northern District of Georgia) while attempting to breach the perimeter. The FBI's headquarters in Atlanta is surrounded by a metal fence that has a retractable gate. Employees enter by scanning an access card at the retractable gate. At the retractable gate, there is both an arm that goes up and down as well as the final denial barrier. The final denial barrier is a piece of steel that goes flat as each authorized car enters the secured area and then lifts back up again. A photograph of the denial barrier is below.

5. The building and grounds at 3000 Flowers Rd S, Chamblee, GA are leased by the federal government and are owned by Mercer University. The metal gate and final denial barrier were installed at the request of and at the expense of the federal government. The federal government exercises control over the final denial barrier. A sign is posted at the front gate before the secure arm and final denial barrier that says, "U.S. Government Property, for official business only, no photography permitted, no loitering or trespassing."

6. After crashing into the final denial barrier with the car he was driving, BOLLING exited the vehicle and attempted to follow an FBI employee into the secure parking lot by walking past the gate. BOLLING encountered the employee who he tried to follow

in, a Special Agent with the FBI, and two other Special Agents who were in the process of leaving.

7. Agents instructed BOLLING to sit on the curb. BOLLING refused. Agents instructed BOLLING to stay seated. BOLLING stood up and tried to walk further into the parking lot. Agents began to take BOLLING into custody and BOLLING resisted. Agents were eventually able to get BOLLING into custody. After he was in custody, agents searched BOLLING and found a passport identifying him as Ervin Lee BOLLING in his pocket. DeKalb County Police and EMS responded, and BOLLING was ultimately transported to the hospital for medical care and evaluation.

8. There is significant damage to the final denial barrier. Pictures of the damage are included below. Tusco Perimeter Security Solutions, a contractor, gave a preliminary estimate to repair the damage in excess of \$1,000. The repair costs will be the responsibility of the federal government.



CONCLUSION

9. Based on the information contained in this affidavit, I respectfully submit probable cause exists to believe that Ervin Lee BOLLING has committed violations of 18 U.S.C. § 1361 (Destruction of Government Property).

END OF AFFIDAVIT