

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

FILED JUN 15 2023 Mark C. McCart, Clerk U.S. DISTRICT COURT

United States of America)

v.)

Case No. 23.mj.352.CDL)

COBY DALE GREEN)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 31, 2022 in the county of Tulsa in the Northern District of Oklahoma, the defendant(s) violated:

Code Section 18 U.S.C. § 844(i)

Offense Description

Malicious Use of Explosives

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Madison Rebel

Complainant's signature

Special Agent Madison Rebel, ATF

Printed name and title

Sworn to before me by phone.

Date: June 15, 2023

Christine D. Little

Judge's signature

City and state: Tulsa, OK

Christine D. Little, United States Magistrate Judge

Printed name and title

**Ed Affidavit in Support of an Arrest Warrant
In the Northern District of Oklahoma**

I, Madison Rebel, being first duly sworn under oath, depose and state:

Introduction and Agent Background

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been employed in this capacity since July 2021, and I am currently assigned to the ATF Tulsa Field Office. I completed the Criminal Investigator Training Program required by the ATF in October 2021. I also completed Special Agent Basic Training required by ATF for all new special agents. I possess a Bachelor of Science degree in Biology, as well as a degree in Criminology. In connection with my official duties as an ATF Special Agent, I investigate criminal violations of federal firearms laws, federal arson, and explosives laws, as well as federal narcotic laws.

2. I am familiar with the facts and circumstances of this investigation. The facts set forth in this affidavit are based on my personal observations, knowledge obtained from other law enforcement officers, my review of documents related to this investigation, conversations with others who have personal knowledge of the events and circumstances described herein, and a review of open-source information including information available on the Internet. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. Title 18 §844(i) states in relevant part:

Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both[.]

4. Based on my training, experience, and the facts set forth in this affidavit, it is my belief that COBY GREEN, DOB, xxx-xx-1998, SSN xxx-xx-8260, has violated Title 18 U.S.C. § 844(i), Malicious Use of Explosives.

Probable Cause

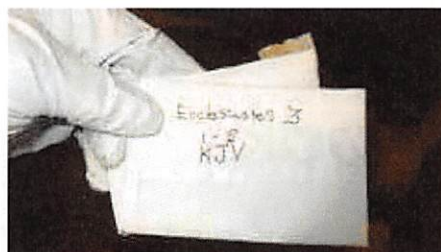
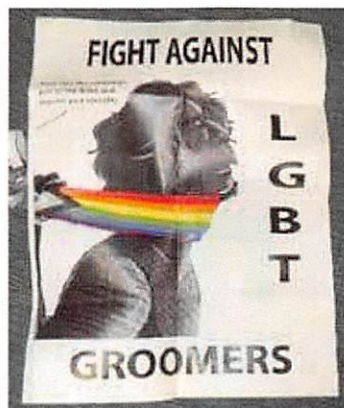
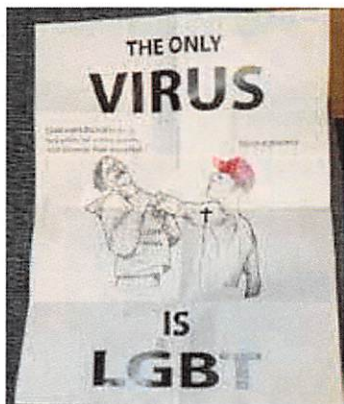
5. On October 31, 2022, at approximately 0755, or 7:55am, Central Daylight Time (CDT), Tulsa Fire Department (TFD) was dispatched to “The Donut Hole” donut shop at 3305 S Peoria Ave., Tulsa, Oklahoma, within the Northern District of Oklahoma, in reference to an apparent incendiary bomb, commonly referred to as a Molotov cocktail, being used to attack the business. Upon arrival, suppression crews discovered a Corona beer bottle with a fabric wick inserted in it. The bottle was unbroken but had spilled a reddish liquid on the floor. The wick and fuel around the neck of the bottle were still burning. The front window of the business was shattered. “The Donut Hole” is engaged in business activity affecting interstate or foreign commerce.

6. The responding suppression crew called for fire investigators to respond. Captains Johnnie Sawyer and Calvin Teague noticed the Molotov cocktail inside the store and broken glass of the front door of the business.

Scorch marks and soot staining were apparent immediately above the area where the incendiary bomb lay.

7. TFD personnel asked dispatch to contact a property representative. Dispatch notified a co-owner who in turn notified his mother who ultimately arrived on scene. The mother showed the investigators Facebook posts and an arrest record for an individual named Coby Dale GREEN. GREEN had generated a written post on Facebook (in response to The Donut Hole's relationship with local drag queens) "OK, it's officially time to shine our boots and put on our armbands boys, this disgusting filth has got to go." Responding to a response of this post, he stated, ". . . economic status has literally nothing to do with it dummy it's a nationalist song that fits perfectly in the face of LGBT tyranny being forced fed to our [illegible]." In response to an October 17, 2022, story about an earlier vandalism of the same store, GREEN posted, "I'm just sad they didn't molotov it." GREEN further stated, ". . . children shouldn't be sexually exploited and that is being advocated by the LGBT community ..."

8. During the course of the investigation, TFD Investigators noticed a note and two fliers folded and attached to the door of the business immediately to the north of The Donut Hole. On the outside of the folded papers was written, "Ecclesiastes 3 1-8 KJV." One of the fliers had a drawing which depicted one man holding another by the throat. It was captioned, "THE ONLY VIRUS IS LGBT." The other had a drawing which depicted an individual in distress with a rainbow-colored bandana around his neck and said, "FIGHT AGAINST LGBT GROOMERS."



9. On or about November 3, 2022, investigators were contacted by a law enforcement outreach manager with Meta Inc, who identified suspicious activity with GREEN's Facebook account in connection to the Molotov cocktail attack on October 31st and provided 100012117523730 as GREEN's account identifier. The account was subsequently preserved by Meta Inc., pursuant to a request by investigators. GREEN appears to have since deleted his account, making it publicly inaccessible.

10. TFD Investigators obtained video camera footage from the co-

owner of the store showing footage of the vandalism and arson. At approximately 0234, or 02:34 am, CDT on the day of the incident, a white male can be seen approaching the business from the north. The male taped something to the door of the business immediately north, broke the glass of the front door, lit a molotov cocktail, and threw it through the broken glass of the front door. After throwing the incendiary bomb, he ran north on Peoria until out of sight of the security camera. The suspect was wearing a black zip-up hoodie, a blue mask, blue jeans, and a distinctive red hat with gold embroidered “scrambled eggs” type military ornamentation on the bill.



11. GREEN has been previously arrested by TFD Investigators for commission of Arson, 3rd degree (Case No. CF-2021-1369), in an unrelated case. The case was ultimately dismissed when a prosecution witness failed to appear. Due to TFD Investigators having previous interactions with GREEN, they recognized the male in the video surveillance to be the same race and build as GREEN.

12. On December 9, 2022, ATF Task Force Officer J. Calvin Teague, who is also a TFD Investigator, obtained a search warrant (22-MJ-797-SH) for information associated with Facebook account 100012117523730 in the United States District Court for the Northern District of Oklahoma. Meta Platforms, Inc. (Meta) sent a return to TFD Investigators on December 9, 2022. While reviewing the information Meta provided, I observed multiple phone numbers links to the Facebook profile. One of the numbers associated with the profile was (918)-216-8897, which was “verified” by Facebook on October 25, 2022. “Verified” means the account holder responded to a text sent to the listed phone number. (918)-216-8897 was the most recently verified number in the Facebook account and was verified a week before the attack on The Donut Hole. When I used an online resource to query the phone number, I determined the cell phone number was associated with AT&T.

13. On January 4, 2023, I received an Order Under Title 18 U.S.C. § 2703(d) for Non-Content Information for the telephone number (918)-216-8897 associated with AT&T (Case No. 23-MJ-03-SH). On January 7, 2023, AT&T sent a return to me with the information that was requested via court order. According to the Wireless Subscriber Information, the financial liable party, billing party, and user information are all associated to GREEN with the address 6853 S Lewis Ave. apartment 103, Tulsa, Oklahoma 74136. When TFD Investigators previously attempted to interview GREEN, they

contacted GREEN at the address located at 6853 S Lewis Ave. apartment 103, Tulsa, Oklahoma 74136. GREEN had made payments to AT&T for the cellular phone starting on August 13, 2022, with the cellular phone still having an active Mobile Station International Subscriber Directory Number (MSIDN) status and continuing to make payments up to when AT&T sent the return to me.

14. On April 13, 2023, I received a search warrant through the United Stated District Court for The Northern District of Oklahoma (Case No. 23-MJ-240-JFJ) signed by U.S. Magistrate Judge Jodi Jayne for information associated with the device assigned the phone number (918) 261-8897.

15. On April 24, 2023, I received a return from AT&T with the data and information requested. AT&T has technical capabilities that allow them to collect and generate information about the locations of the cellular telephones to which they provide service, including known as GPS data or latitude-longitude data and cell-site data, also known as “tower/face information” or cell tower/sector records. Location information provided by the cellular telephone company includes any estimated or known Longitude and Latitude of the cellular device’s current location, or approximate location, information received by cell tower(s) in reference to direction and distance from the tower a device may be located (timing and triangulation information), commonly referred to as a “ping”. Radio Frequency signal strengths, direction, and transmission information. Cell-site data identifies

the “cell towers” (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the “sector” (i.e., faces of the towers) to which the telephone connected. Location information can be in the form of historical records. Specific to AT&T, this would include any reports of device activity that would include the approximate latitude and longitude of the device at the time of the activity, direction and distance from the tower, and other location related information commonly referred to as a TDOA or Timing Advance Information. This further includes any other report similar in nature. In my training and experience, I have learned that cellular phones and other cellular devices communicate wirelessly across a network of cellular infrastructure, including towers that route and connect individual communications. When sending or receiving a communication, a cellular device broadcasts certain signals to the cellular tower that is routing its communication. These signals include a cellular device’s unique identifiers.

16. UTC is an acronym for “Universal Time Coordinated,” which is based upon Greenwich Mean Time. CDT is “Central Daylight Time” and is the time zone in which Tulsa is located during daylight savings time, which in 2022 lasted from March 13th to November 6th. On October 31, 2022, UTC time would be five hours ahead of CDT. Information recovered from cellular phones is typically stored in UTC.

17. Upon reviewing the information, I observed records provided

showing cell location in latitude and longitude. After plugging the latitude and longitude coordinates into Google maps I observed that on October 31, 2022 at approximately 0558 UTC (0058 CDT) the phone number (918) 261-8897 associated with GREEN “pinged” from the cell tower near the area of GREEN’S residence located at 6853 S Lewis Ave Unit 103., Tulsa, Oklahoma 74136. The phone number (918) 261-8897 associated with GREEN can then be observed traveling north near S Lewis Ave. At approximately 0613 UTC (0113 CDT) the phone number (918) 261-8897 associated with GREEN can then be observed pinging off the cell tower near Blue Moon Café. Blue Moon Café is approximately 0.1 miles from The Donut Hole. The phone number (918) 261-8897 associated with GREEN again pinged at approximately 0705 UTC (0205 CDT) and 0713 UTC (0213 CDT) off the same cell tower near Blue Moon Café. At approximately 0234 CDT (0734 UTC) a male wearing a black zip-up hoodie, a blue mask, blue jeans, and a distinctive red hat with gold embroidered “scrambled eggs” type military ornamentation on the bill can be seen approaching The Donut Hole in the security camera footage provided by the co-owner. The male subject then places a glass bottle with a piece of fabric protruding from the top. The male suspect can then be seen placing a white paper-like item onto the business immediately north. He then returns to The Donut Hole and uses a bat to smash the glass exterior. The male suspect then lights the fabric protruding from the bottle and holds the bottle upside-down to ensure the

fabric is fully lit. He then throws the device into The Donut Hole and runs away from the business at approximately 0235 CDT (0735 UTC). The phone number (918) 261-8897 associated with GREEN then pings off the cell tower near the area of GREEN'S residence located at 6853 S Lewis Ave Unit 103., Tulsa, Oklahoma 74136 at approximately 0806 UTC (0306 CDT). The distance between The Donut Hole and GREEN'S residence is approximately 4.5 miles and takes on average approximately eleven (11) minutes to drive from one location to the other.

18. On November 23, 2022, a biology screening was conducted by the Tulsa Police Department (TPD) Forensic Laboratory on the note and fliers that were left on the business immediately to the north of The Donut Hole. Hairs/fibers and debris were observed on the "paper notes" and a DNA collection swab was taken and placed into biology storage. After speaking to the TPD Forensic Laboratory, I was informed that a mixture of two (2) individuals' DNA was recovered from the "paper note" and indicated a male profile.

19. According to Tulsa Police Department (TPD), GREEN moved from the residence located at 6853 S Lewis Ave Unit 103., Tulsa, Oklahoma 74136 and currently resides at 6709 S Lewis Ave. Apartment #139, Tulsa, Oklahoma 74136. Both apartments are within the Chateau 68 apartment complex. TPD has also observed GREEN to drive a blue 2006 Cadillac CTS with Oklahoma license plate GWG 431.

20. On May 13, 2023, GREEN was arrested for traffic warrants outside of Elote Café and Eatery restaurant located at 514 S Boston Ave., Tulsa Oklahoma 74103 while protesting during the restaurant's Drag Show Brunch. While in jail, GREEN made a phone call to a local bail bondsman. GREEN tells the bail bondsman that his mother is "Kim" Green and that she works at Mardel Christian bookstore located off Harvard St. GREEN further states that he currently resides with his mother.

21. On June 14, 2023, I applied for search warrants to search the residence, vehicle, and person of GREEN in Northern District of Oklahoma. Those search warrants authorized by U.S. Magistrate Judge Christine D. Little (23-MJ-349-CDL, 23-MJ-350-CDL, and 23-MJ-351-CDL).

22. On June 15, 2023, I, alongside other law enforcement agents, executed the search warrants. During the course of the search warrants law enforcement found that GREEN had converted the living room of the one-bedroom apartment to be used as his bedroom. In the living room, agents recovered eleven (11) newspapers. Of the 11 newspapers, three (3) of the newspapers were dates November 1, 2022 (which is the day after the Molotov cocktail attack on The Donut Hole). Within the newspapers were articles written on the attack titled, "Donut shop vandalized after drag event".



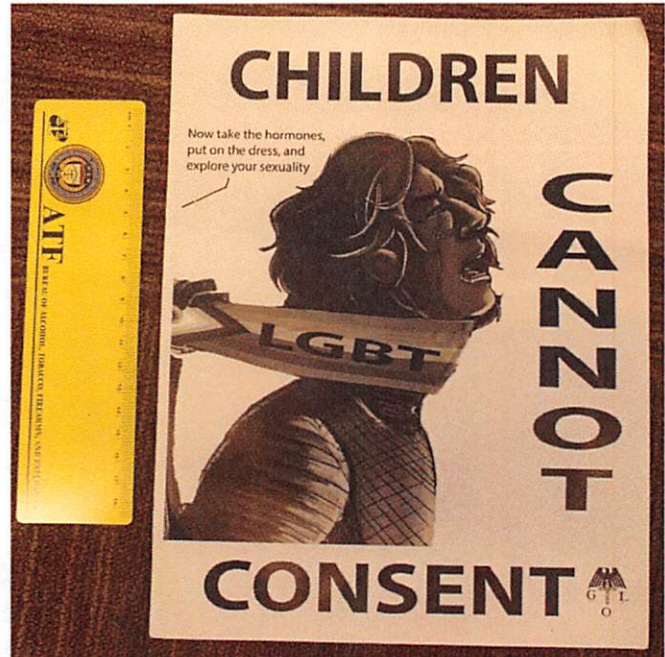
23. Based on my training and experience and after consultation with Resident Agent in Charge Ashley Stephens, who is an ATF Certified Fire Investigator, persons who commit arson will often keep mementos or “trophy,” if you will, of their crimes. Particularly, it has been RAC Stephens’ experience that persons will also keep news articles and or other media which chronical their crimes as a souvenir. These serve as a memory aid of the crime or as a way for the person to memorialize what they have done, especially if they were committing the crime for grandeur, status or simply something for which they are proud. Having found three of the same newspapers, dated November 1, 2022, the day after the arson, which have inside the article discussing said arson, it is my belief that these newspapers are in fact, souvenirs, mementos, or “trophy” of GREEN’s arson of the Donut Shop.

24. Also recovered from the residence were multiple fliers addressing the LGBTQ+ community. One flier in particular showed an image of an

individual being choked by an LGBTQ+ flag with the statements “Now take the hormones, put on the dress, and explore your sexuality” and “CHILDREN CANNOT CONSENT”. When comparing to the flier to the flier left on the business directly north of The Donut Hole. I observed multiple similarities. The same image of an individual being choked by an LGBTQ+ flag with the statements “Now take the hormones, put on the dress, and explore your sexuality” are seen on both fliers along with the format and font type of the additional words surrounding the image.



Flier left on the business located directly north of The Donut Hole



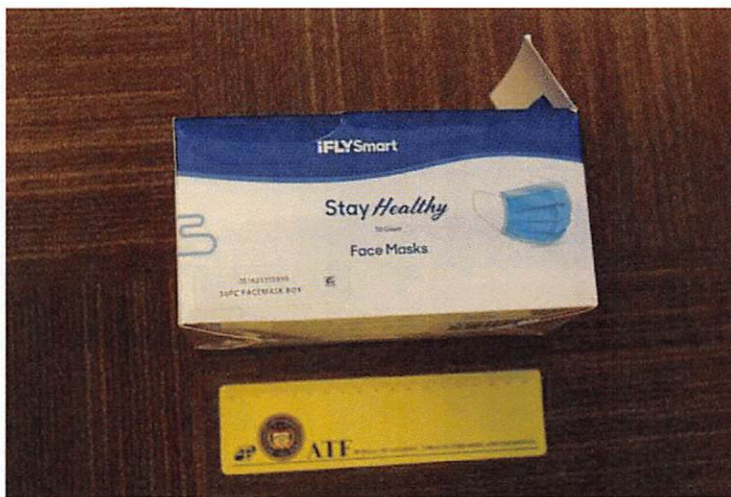
Flier recovered from the residence of GREEN

25. Agents recovered clothing items that matched the clothes worn by the male suspect in the ring camera footage from October 31, 2022. In the video the male is seen wearing a plain black zip up jacket. Agents recovered two

(2) plain black jackets at the residence of GREEN.



26. The male subject was seen wearing a blue disposable mask. Located inside of GREEN'S residence was plastic bin labeled "Coby". Within the plastic bin was an open box of "Stay Healthy" face masks. Of the 50-count box of face masks only 48 masks remained.



27. The ring camera footage shows the male wearing black tennis shoes with a gray heel. Inside of GREEN'S residence, agents recovered a pair of

black “George” tennis shoes with a grey heel.



28. Agents recovered a pair of gray and blue gloves in the blue 2006 Cadillac CTS bearing Oklahoma license plate GWG 431. The male subject observed in the ring camera footage can be seen wearing grey gloves.



29. The male subject places a small blue light on the table outside of The Donut Hole prior to smashing the exterior glass windows. He is then seen using the blue lighter to light the piece of fabric protruding from the bottle.

Two (2) blue lighters were recovered from the residence of GREEN'S.



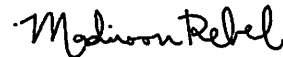
30. On June 15, 2023, I spoke with Sarah Swain, the co-owner of The Donut Hole. While speaking to her she explained that the business accepts payment via credit and/or debit cards, which requires the transmission of information over an Internet connection. The business uses the program SquareUp which is owned by Block, Inc., a San Francisco based financial technology company that provides small businesses and individuals with payment processing services, point-of-sale software, and financial tools such as invoicing and inventory management to accept payments and send out invoices to customers. The SquareUp program and applications operate over an Internet connection. Swain explained that they use businesses such as Daylight Donuts, Dawn Foods, and Sysco when ordering supplies and materials for The Donut Hole, and that several of those business are either located or headquartered out of state. The Donut Hole also accepts orders

from customers over the telephone.

Conclusion

31. Based on the information set forth in this affidavit, I submit there is probable cause to believe that Coby GREEN has violated 18 U.S.C. § 844(i), Malicious Use of Explosives.

Respectfully submitted,



Madison Rebel
Special Agent
ATF

Subscribed and sworn to by phone on June 15, 2023.



CHRISTINE LITTLE
UNITED STATES MAGISTRATE JUDGE