

AO91 (Rev. 5/93 ND/AL) Criminal Complaint

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA**

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U.S. DISTRICT COURT  
N.D. OF ALABAMA**CRIMINAL COMPLAINT**

UNITED STATES OF AMERICA

v.

CASE NUMBER:

Matthew Lee Cloyd  
Russell Lee DeBusk Jr.  
Benjamin Nathan Moseley**MAG 06 044**

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief.

## Count One:

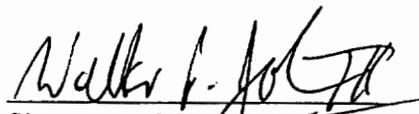
Beginning on or about February 2, 2006, in Bibb County, and continuing to on or about February 7, 2006 in Pickens, Greene and Sumter Counties, all counties being in the Northern District of Alabama, defendants Matthew Lee Cloyd, Russell Lee Debusk Jr., and Benjamin Nathan Moseley did, conspire to commit an offense against the United States, that is maliciously damage and destroy, and attempt to damage and destroy, by means of fire, a building used in interstate or foreign commerce or used in an activity affecting interstate or foreign commerce, in violation of Title 18 United States Code, Section(s) 844(i), all in violation of 18 United States Code Section 371.

## Count Two:

On or about February 2, 2006, in Bibb County, within the Northern District of Alabama, the defendants, Matthew Lee Cloyd, Russell Lee Debusk, Jr., and Benjamin Nathan Moseley did maliciously damage and destroy, by means of fire the Ashby Baptist Church located at 111 Lilys Way, Brierfield, Bibb County, used in and affecting interstate/ foreign commerce, in violation of Title 18, United States Code, Section 844(i).

I further state that I am Special Agent Walker Johnson, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and that this complaint is based on the following facts:

(see Attachment A)



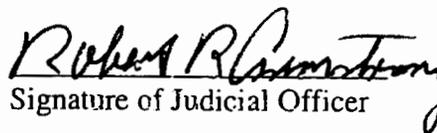
Signature of Complainant  
Special Agent Walker Johnson

Sworn to before me and subscribed in my presence,

in Birmingham, Alabama  
City and State

3-8-06  
Date

Robert R. Armstrong, U.S. Magistrate  
Name and Title of Judicial Officer



Signature of Judicial Officer

I, Walker Johnson, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since July 2000. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. As a result of my training and experience as an ATF Special Agent, I am familiar with Federal criminal laws pertaining to criminal conspiracies as well as arson. The information contained in this affidavit is based upon my personal knowledge, my review of certain records and documents, interviews of witnesses, and information provided to me by other law enforcement officers and agents. The information contained herein is not all the information I possess with respect to the commission of the crimes referred to herein.

1. On February 3, 2006, at approximately 1:53 a.m., a fire was reported at the Rehobeth Baptist Church located at 11262 Deer Creek Road, Lawley, Bibb County, Alabama. The Rehobeth Baptist Church was a total loss. Investigators determined that this fire was incendiary.

2. On February 3, 2006, at approximately 3:21 a.m., a fire was reported at the Ashby Baptist Church located at 111 Lilys Way, Brierfield, Bibb County, Alabama. The Ashby Baptist Church was completely destroyed by the fire. Investigators determined that this fire was incendiary. The pastor of the Ashby Baptist Church stated his church purchases Sunday School and other educational materials from out of state vendor on a quarterly basis.
3. On February 3, 2006, at approximately 4:12 a.m., a fire was reported at the Old Union Baptist Church located at 1094 Oakley Station Road, Randolph, Bibb County, Alabama. The Old Union Baptist Church was damaged by the fire. Investigators determined that this fire was incendiary.
4. On February 3, 2006, at approximately 4:16 a.m., a fire was reported at the Pleasant Sabine Baptist Church located at 397 Church Lane, Centerville, Bibb County, Alabama. The Pleasant Sabine Baptist Church was completely destroyed by the fire. Investigators determined that this fire was incendiary.
5. On February 3, 2006, at approximately 4:42 a.m., a fire was discovered at the Antioch Baptist Church located at 185 Church

Lane, Centerville, Bibb County, Alabama. The Antioch Baptist Church was damaged by the fire. Investigators determined that this fire was incendiary.

6. On February 7, 2006, at approximately 5:05 a.m., the Brinks Alarm Company received notification of an intrusion alarm at the Dancy Baptist Church located at 753 Highway 17 South, Aliceville, Pickens County, Alabama. Pickens County Sheriff Deputies responded and reported seeing smoke coming from the structure. The Dancy Baptist Church was completely destroyed by the fire. Investigators determined the fire to be incendiary.
7. On February 7, 2006, at approximately 6:41 a.m., a fire was reported at the Morning Star Missionary Baptist Church located at 21787 County Road 20, Boligee, Greene County, Alabama. The Morning Star Missionary Baptist Church was completely destroyed by the fire. Investigators determined the fire to be incendiary.
8. On February 7, 2006, at approximately 6:49 a.m., a fire was reported at the Spring Valley Baptist Church located at 4901

Alabama Highway 116, Gainesville, Sumter County, Alabama. Investigators determined the fire to be incendiary. The Spring Valley Baptist Church sustained a limited amount of interior damage.

9. On February 7, 2006, at approximately 8:00 a.m., a fire was reported at the Galilee Baptist Church located at 737 Galilee Road, Panola, Sumter County, Alabama. Investigators determined this fire to be incendiary. The Galilee Baptist Church was completely destroyed by the fire.
10. On March 7, 2006, ATF Agents interviewed Kimberly and Michael Cloyd, parents of Matthew Lee Cloyd. Kimberly Cloyd stated that on March 7, 2006, she spoke with her son by telephone. She asked him if he knew anything about the church fires and he stated he wasn't involved but he knew who did it. Michael Cloyd stated that on March 7, 2006, he spoke with his son by telephone shortly after his wife and asked him about the church fires. Michael Cloyd stated that his son, Matthew Lee Cloyd, told him that he knew who did it and he was there.

11. On March 7, 2006, Bureau of ATF, Alabama State Fire Marshals Office, and Bibb County Sheriff's Department investigators interviewed a witness whose identity is known to your affiant. The witness stated that the witness spoke with Matthew Cloyd by telephone on March 7, 2006. The witness stated that Cloyd told the witness that he (Cloyd) and Moseley had done something stupid. Cloyd stated to the witness that Moseley did it as a joke and it got out of hand. Cloyd stated that they set a church on fire.
  
12. On July 22, 2005, Kimberly Cloyd purchased a set of four BF Goodrich All Terrain TA KO tires at Cahaba Valley Tire in Pelham, Alabama. The tires were mounted on a 2000 Toyota 4Runner, green in color bearing Alabama Wildlife tag # 7J03Y, and VIN#JT3HN86R4Y0322181. The vehicle is registered to Kimberly Cloyd, mother of Matthew Lee Cloyd. On March 7, 2006, Kimberly Cloyd told ATF Agents that her son, Matthew Lee Cloyd is the primary driver of the vehicle.
  
13. Impressions of tire tracks were recovered at the following church fire scenes: Pleasant Sabine Baptist Church, Old Union

Baptist Church, Galilee Baptist Church, Morning Star Missionary Baptist Church, Spring Valley Baptist Church, and Dancy Baptist Church. The tire tracks recovered at these scenes are visually consistent with the tire tread of a BF Goodrich All Terrain TA KO tire.

14. On March 8, 2006, Bureau of ATF, Alabama State Fire Marshals Office and Bibb County Sheriff's Department Investigators interviewed Benjamin Nathan Moseley. Moseley stated that on February 2, 2006, he, Matthew Cloyd, and Russell DeBusk traveled to Bibb County, Alabama in Matthew Cloyd's Toyota 4Runner. Moseley stated they set fire to five churches in Bibb County, Alabama. Moseley said that after they set fire to the first two churches they saw fire trucks driving by. Moseley said that after that, burning the other three churches became too spontaneous. Moseley further stated that on February 6, 2006, he and Matthew Cloyd traveled to western Alabama and burned four churches. Moseley said that these four churches were burned as a diversion to throw investigators off. Moseley said the diversion obviously did not work.

15. On March 8, 2006, Bureau of ATF and Alabama State Fire Marshals Office investigators interviewed Russell Lee DeBusk Jr. DeBusk stated that on the night of February 2, 2006, he, Matt (Cloyd), and Ben (Moseley) traveled to Bibb County, Alabama and were shooting deer. DeBusk stated that they were in Matt's 4Runner. DeBusk admitted being present at all five Bibb County church fires. DeBusk admitted to kicking in the door on two of the churches. DeBusk stated that approximately two weeks later Ben told him that he (Ben) and Cloyd did four more church fires.

  
Walker Johnson, Special Agent ATF

Sworn and subscribed to before me.

  
Robert R. Armstrong, U.S. Magistrate

2-8-06 9:45 a.m.  
Date and Time