

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

United States of America v. Luis Joel Sierra, YOB: 1985 Case No. 1:20MJ64LDA 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 June 2, 2020 in the county of in the District of Rhode Island, the defendant(s) violated:

Code Section 18 U.S.C. § 844(f) Offense Description Attempted Malicious destruction of a vehicle by fire

This criminal complaint is based on these facts:

See the attached Affidavit of Special Agent Brendan C. Fogerty of the Federal Bureau of Investigation ("FBI").

Continued on the attached sheet.

Brendan Fogerty Special Agent

[Signature]

Complainant's signature

Special Agent Brendan C. Fogerty - FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

Telephone (specify reliable electronic means).

Date: August 14, 2020

[Signature]

Judge's signature

City and state: Narragansett RI

Lincoln D. Almond, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Brendan Fogerty being sworn, state:

Introduction and Agent Background

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since 2014. I have been assigned to the Joint Terrorism Task Force of the Federal Bureau of Investigation's Boston Division, Providence Residence Agency since 2019. Prior to this, I had been assigned to the Violent Crime Task Force of the Federal Bureau of Investigation's Boston Division since 2015. I have also received specialized training regarding investigative techniques, evidence collection, and evidence preservation.

2. This affidavit is submitted in support of a criminal complaint charging LUIS JOEL SIERRA, date of birth [REDACTED] 1985 of Providence, Rhode Island with one count of arson in violation of Title 18, United States Code, Section 844(f)(1).

3. 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 that there is probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

RELEVANT STATUTES

4. Title 18, United States Code, Section 844(f)(1) makes it a crime for whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in

part owned or possessed by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance.

STATEMENT OF PROBABLE CAUSE

5. The Federal Bureau of Investigation has been engaged in an investigation into the arson of a Providence Police Department vehicle in the early hours of June 2, 2020 during a riot. At all relevant times, the Providence Police Department was an institution or organization receiving Federal financial assistance.

6. The FBI and Providence Police Department have acquired video from surveillance cameras, cell phones, and social media. These videos revealed during the riot, several individuals directly participated in the arson of the aforementioned Providence Police Department vehicle.

7. A tip line email led law enforcement to interview Eduardo Ballista ("Ballista") who admitted that he was present and recording on his cell phone during the arson, but did not participate. Ballista consented to providing his video of the arson.

8. Multiple angles of the videos further indicate that one of the individuals responsible for the arson of the vehicle was a tall Hispanic male, with a shaved head, beard, and glasses.

9. Following the arson, a witness ("CW#1") emailed the Boston FBI tip line.¹ CW#1 stated that LUIS JOEL SIERRA ("SIERRA") told him/her that he was one of the

¹ The identity of CW#1 is known to your affiant. CW#1 expressed fear of retaliation if that identity became known to targets of the investigation. Thus I have purposely omitted the identity of CW#1 to protect against reprisal should this cooperation become known to the targets.

individuals responsible for the arson of the Providence Police Department vehicle. This eventually led to CW#1 providing several videos he/she had taken via Snapchat off SIERRA's phone.

10. In an in-person interview with CW#1, he/she was shown photos of LUIS JOEL SIERRA; DoB [REDACTED]/1985; social security number [REDACTED] 2845 taken from the State of Rhode Island Department of Corrections dated 6 March 2020 and an ID card issued by the State of Rhode Island Division of Motor Vehicles dated November 18, 2009. CW#1 positively identified the aforementioned photos as being LUIS JOEL SIERRA. CW#1 was then shown two photographs taken from the Facebook profile <https://www.facebook.com/luis.sierrasanchez>.

11. The photos on the Facebook profile were posted on the site on April 23, 2020 and June 20, 2020. CW#1 identified those photos as being SIERRA.

12. CW#1 further explained that SIERRA told CW#1 that he applied lighter fluid and used a one-handed lighter to ignite the vehicle on fire. A video ("Snapchat-1925970632"), as well as a screenshot ("Snip from Snap 1925970632 4 sec") from that video, that CW#1 had previously provided to the FBI was then shown to CW#1. CW#1 then identified the subject in a black jacket and white sweatpants burning the Providence Police Department vehicle as SIERRA.

13. CW#1 was then shown two other screenshots taken from cellphone video belonging to Ballista as well as relevant portion of the video. This video showed the arson of the Providence Police Department vehicle from a different angle than the one

provided by CW#1. CW#1 again identified SIERRA as of the individuals participating in the arson of the vehicle.

14. SIERRA's identification cards issued by the State of Rhode Island lists him at 6', 223 lbs & 6', 253 lbs. Photographs of SIERRA posted by SIERRA within weeks before and after the arson indicate that he was maintaining a beard, shaved head, and wearing glasses. SIERRA's appearance, to include height/ weight and skin tone are consistent with the individual responsible for the arson of the vehicle.

15. Videos examined included, but are not limited to, the Ballista cell phone video; video from Facebook account user 'nathan.jeffrey.33' (https://www.facebook.com/nathan.jeffrey.33/videos/vb.100000489980581/5047316721961277/?type=2&video_source=user_video_tab); Snapchats provided by CW#1, cell phone extractions given by consent and conducted by the Providence Police Department; and other videos submitted via the FBI tip line.

16. In June 2020, CW#1 recorded a conversation with SIERRA in which he stated he applied lighter fluid to the Providence Police Department vehicle which would become fully engulfed in flames.

17. On August 6, 2020, FBI Boston produced a press release and wanted poster featuring two individuals who were persons of interest in the June 2, 2020 arson of the Providence Police Department vehicle.

18. On August 11, 2020, an interview was conducted with MARIA SIERRA. SIERRA identified the person portrayed in the wanted poster as 'Individual #1' as her

son, LUIS JOEL SIERRA. MARIA SIERRA was then shown additional photographs taken from videos during the evening of June 1 and early morning of June 2, 2020 and identified LUIS JOEL SIERRA as the person in those images.

19. MARIA SIERRA stated that when asked about his involvement in the arson of the police vehicle, LUIS JOEL SIERRA told her that he was waiving his hands inside the vehicle in an attempt to extinguish the flames.

20. Upon reviewing the Facebook Live video posted by account user 'nathan.jeffrey.33', the subject now identified as SIERRA is depicted leaning into the Providence Police Department vehicle via the driver's door at the 45:49 mark. At the 46:05 mark, SIERRA is recorded lighting the vehicle on fire with the crowd cheering to the effects of "gas it up!" and "he's lighting it!" At approximately the 51:00 mark, the video depicts the fire in the front compartment of the vehicle and at the 55:00 mark, the vehicle fully engulfed in flames.

21. Upon reviewing the Ballista video, the subject now identified as SIERRA is recorded leaning into the Providence Police Department vehicle by the driver's door at the 26:40 mark. At the 27:00 mark, SIERRA is recorded on the video leaning into vehicle and his face is illuminated by growing flame.

22. On August 14, 2020, SIERRA agreed to participate in an interview with investigators at the Providence Police Station. This interview was audio and video recorded. During the interview, SIERRA admitted that he sprayed lighter fluid onto the driver's side seat. He wanted to burn and damage the seat and did not want to light the entire vehicle on fire. SIERRA did not want to go back to jail. He was upset with the

way that he was treated at the Adult Correctional Institution (ACI) in the past. ACI records show SIERRA was incarcerated from March 6, 2020 to April 21, 2020.

23. During the interview, SIERRA stated that the clothing he wore the evening of June 1, 2020 and early morning of June 2, 2020 was still in his basement apartment at 529 Union Avenue, Providence, Rhode Island.

24. On August 13, 2020, the FBI applied for a search warrant for the basement apartment at 529 Union Avenue, Providence, RI, SIERRA's apartment. U.S. Magistrate Judge Patricia A. Sullivan approved and issued the warrant (2020-SW-292-PAS).

25. On August 14, 2020, the FBI executed the warrant. During the search of the apartment, the FBI located and seized the matching clothing adorned by SIERRA on the evening of June 1, 2020 and early morning of June 2, 2020 which included: a black Caterpillar brand jacket; white Adidas sweatpants; a camouflage mask; two black gloves, one with a logo on the back of the hand, as well as two one-handed windshield-style lighters.

CONCLUSION

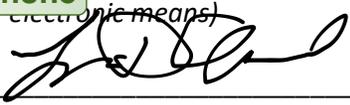
26. Based on the foregoing, I believe that there is probable cause to believe that Luis Joel SIERRA did attempt to damage or destroy by fire a vehicle owned or possessed by the Providence Police Department, in violation of 18 U.S.C. § 844(f)(1).

Sworn to under the pains and penalties of perjury,

Brendan Fogerty
Special Agent



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by _____.	
	<u>Telephone</u> <small>(specify reliable electronic means)</small>
<u>August 14, 2020</u> <i>Date</i>	 <i>Judge's signature</i>
<u>Narragansett RI</u> <i>City and State</i>	<u>Lincoln D. Almond, U.S. Magistrate Judge</u> <i>Printed name and title</i>

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT COMPLAINT

CASE NO. 1:20MJ64LDA

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

USA vs.

Defendant: Luis Joel Sierra

Address: [REDACTED]

Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT RHODE ISLAND
 DISTRICT OF RHODE ISLAND Divisional Office

Name and Office of Person Furnishing Information on THIS FORM
AARON WEISMAN
 U.S. Atty Other U.S. Agency
 Phone No. (401) 709-5000

Interpreter Required Dialect: _____

Name of Asst. U.S. Attorney (if assigned)
Paul F. Daly, Jr.

Birth Date [REDACTED] Male Alien
 Female (if applicable)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigation

Social Security Number [REDACTED]

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Atty Defense

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

MAG. JUDGE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

DEFENDANT

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D

Appointed on Target Letter

Place of offense RHODE ISLAND County _____

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 1

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
1	18 U.S.C. § 844(f)	Attempted Malicious destruction of a vehicle by fire	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor