

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

FILED

12:09 pm Mar 31 2023

Clerk U.S. District Court

Northern District of Ohio
Cleveland

United States of America
v.

Case No. 1:23-mj-3120-TMP

Aimenn Penny

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 March 25, 2023 in the county of Geauga in the Northern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 844(i)	Malicious Use of Explosive Materials (Arson)
26 U.S.C. § 5861(c)	Receiving or Possessing a Destructive Device

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Complainant's signature

Lane Thorum, Special Agent, FBI

Printed name and title

Sworn to via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1.

Date: March 31, 2023

City and state: Cleveland, Ohio



Thomas M. Parker, United States Magistrate Judge

AFFIDAVIT

I, Lane Thorum, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and I have been in this position since April of 2022. I am currently assigned to the Cleveland Division of the Federal Bureau of Investigation, specifically the Joint Terrorism Task Force. As a federal agent, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States.

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

PURPOSE OF AFFIDAVIT

3. This affidavit is made in support of a criminal complaint and an arrest warrant for AIMENN PENNY (hereafter PENNY) for violating:

- a. Title 18, United States Code, Section 844(i) – Malicious Use of Explosive Materials (Arson) — No person shall maliciously damage or destroy, or attempt to damage or destroy, by means of fire or an explosive, any building, vehicle, or any other real or personal property used in interstate or foreign commerce, or in any activity affecting interstate or foreign commerce.
- b. Title 26, United States Code, Section 5861(c) – Receiving or Possessing a Destructive Device – No person shall knowingly receive and possess a firearm, made in violation of chapter 53 of Title 26.

PROBABLE CAUSE

4. On Saturday, March 25, 2023, the Community Church of Chesterland (“CCC”), located at 11984 Caves Road, Chesterland, Ohio, reported to Chester Township Police that the church had been damaged by what appeared to be Molotov cocktails during the night. During the same time, a sign on CCC’s property was damaged. CCC believes the acts were perpetrated in response to the church’s planned hosting of two drag show events on April 1, 2023. Open source searches revealed that individuals plan to be present and armed en masse at the events to protest. Representatives of CCC reported that they received hate mail and messages containing non-specific threats of protest and violence against the drag events. Images of the damage are shown below.

5. The damage includes scorch marks on the front door to the building (Figure 1), scorch marks on a sign on the exterior of the building (Figure 3), and a broken sign on the southeast corner of the property (Figure 2).



Figure 1



Figure 2



Figure 3

6. Chester Township Police recovered from the scene broken glass pieces from a bottle with a “Denaka Vodka” label present (Figure 5), and broken glass pieces of a Corona Beer bottle (Figure 4). Each bottle contained a cloth type material that appeared to be pink or purple in color (Figure 4). The bottles also had blue painters tape across their exterior (Figures 4 and 5). Additionally, a burnt matchstick and a blue plastic spray bottle filled with gasoline (Figure 6) were found near the damaged door. Lake County Crime Lab Supervisor of Trace Evidence, Fingerprints and Firearms, Dave Green, was able to determine that the accelerant used in the bottles was gasoline. The blue painter’s tape was swabbed for DNA with lab results pending. Photographs of the items are below.



Figure 4



Figure 5

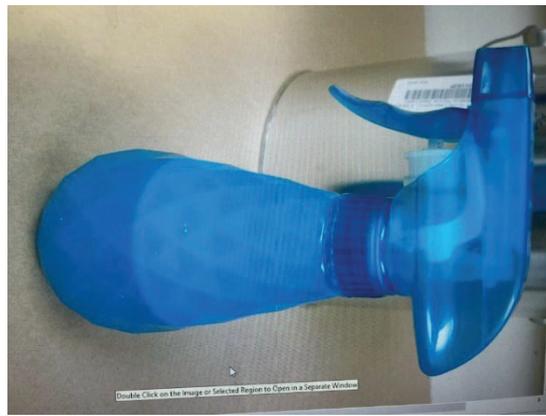


Figure 6

7. The Cleveland Field Office of the FBI received information that PENNY was responsible for the attack on CCC and is a member of the White Lives Matter, Ohio group. Based on my training and experience White Lives Matter is a group with racist, pro-Nazi, and homophobic views. At a March 11, 2023, drag queen event in Wadsworth, Ohio, members of White Lives Matter “showed up at the event carrying swastika flags and shouting racial and homophobic slurs and ‘Heil Hitler.’”¹

8. The Wadsworth Police Department identified PENNY as an individual who travelled to Wadsworth in advance of the March 11, 2023, drag queen story hour to distribute propaganda flyers representing White Lives Matter, Ohio’s anti-drag queen views. PENNY then attended the drag queen story hour event on March 11, 2023, and was identified by Wadsworth Police as a protester with White Lives Matter. PENNY was wearing military style gear including camouflage pants, a tactical vest, and jacket with a patch showing a firearm. A photograph of PENNY at the event is shown below (Figure 7).

¹ See Neo-Nazi sent back to prison after distributing flyers ahead of White Lives Matter clash at Wadsworth drag queen event, <https://www.cleveland.com/court-justice/2023/03/neo-nazi-sent-back-to-prison-after-distributing-flyers-ahead-of-white-lives-matter-clash-at-wadsworth-drag-queen-event.html> (last visited March 30, 2023).



Figure 7

9. On or about October 11, 2022, Alliance Police Department observed PENNY placing flyers on their cruisers and on other vehicles throughout the city. They noted after releasing him, that his vehicle was filled with additional flyers. PENNY told the police that the flyers were an effort to spread the “word.” In PENNY’s opinion, African Americans were the “problem.” Further, he wanted to educate everyone about their violence toward white Americans. Penny stated that he believed African Americans were solely responsible for the high crime rate across the country. PENNY further made it clear that he believes - and looks forward to - the civil war coming between races. PENNY expressed his belief that the United States will not prosper until all the other races, or “weaknesses” as he called them, are gone. The Alliance Police Department noted PENNY was carrying around a very large hunting knife and expandable baton (not concealed). PENNY also told the police that he owns a gun.

10. Penny's phone was identified, and a court order permitted law enforcement to obtain historical location information for the device. These records revealed that on March 24, 2023, between 11:04:25 PM and 11:28:18 PM, the Device was in the vicinity of PENNY's residence in Alliance, Ohio. On March 25, 2023, between 12:33:43 AM and 12:59:51 AM, the Device utilized cell sites indicating it moved north to the area of Chardon, Ohio. On March 25, 2023, between 1:00:02 AM and 1:31:17 AM, the Device utilized cell sites indicating it was on the property of CCC. Based off the investigation and patrols by Chester Township Police on the night of March 24, 2023, it is believed that the arson and other damage occurred between approximately 12:00 a.m. and 2:00 a.m. on March 25, 2023.

11. On March 25, 2023, between 1:10:02 AM and 1:31:17 AM, the Device was located on the property of CCC. Then between 1:31:17 and 2:59:54 AM, the Device utilized cell sites indicating it moved from CCC to the general area of PENNY's residence in Alliance, Ohio.

12. On March 31, 2023, a duly authorized search warrant was executed at PENNY'S residence, vehicle, and his person. The FBI conducted a recorded interview, during which PENNY admitted to building the Molotov cocktails and deploying them at CCC with the intent to burn the structure. PENNY stated that he was trying to protect children and stop the drag show event. PENNY described using bottles from his bedroom and detailed the ingredients and steps he used to build and use the devices. PENNY stated that night he became more and more angry after watching internet videos of news feeds and drag shows in France and decided to attack the church. PENNY stated that he would have felt better if the Molotov cocktails were more effective and burned the entire church to the ground. PENNY stated that the items that he used that night were still located inside of his vehicle.

13. The search of PENNY's residence revealed among other things, a hand-written manifesto that contained ideological statements, a Nazi flag, Nazi memorabilia, a White Lives Matter of Ohio t-shirt, a gas mask, multiple rolls of blue painters tape, and gas cans.

CONCLUSION

14. Based on the foregoing, your Affiant believes there is probable cause to issue a complaint charging AIMENN PENNY with the following violations:

- a. Title 18, United States Code, Section 844(i) – Malicious Use of Explosive Materials (Arson) — No person shall maliciously damage or destroy, or attempt to damage or destroy, by means of fire or an explosive, any building, vehicle, or any other real or personal property used in interstate or foreign commerce, or in any activity affecting interstate or foreign commerce.
- b. Title 26, United States Code, Section 5861(c) – Receiving or Possessing a Destructive Device – No person shall knowingly receive and possess a firearm, made in violation of chapter 53 of Title 26.

Respectfully submitted,



Lane Thorum
Special Agent
Federal Bureau of Investigation

Sworn to via telephone after submission by reliable electronic means. Crim.Rules. 4.1; 41(d)(3)





Thomas M. Parker
United States Magistrate Judge
12:04 PM, Mar 31, 2023