

**IN THE CIRCUIT COURT
OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

1516-CR03754

Police# 15-073521
Pros# 095427634
OCN# W0005259

INDICTMENT

THE STATE OF MISSOURI,

vs.

**IN THE CIRCUIT COURT OF
JACKSON COUNTY, MISSOURI
AT KANSAS CITY, TERM 2016,
IN DIVISION NUMBER 6 THEREOF
DESIGNATED BY THE RULES
OF SAID COURT AS CRIMINAL
DIVISION A.**

**Thu Hong Nguyen
3528 St. John Ave.
Kansas City, MO 64123
DOB: 06/20/1972; Race/Sex: A/F
SS# [REDACTED]
Defendant.**

Count I. Causing Catastrophe (569.070-001Y19755399.0)

The Grand Jurors of the County of Jackson, State of Missouri, charge that the defendant, in violation of Section 569.070, RSMo, committed the **class A felony of causing catastrophe**, punishable upon conviction under Section 558.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, the defendant knowingly caused a catastrophe by causing a fire at 2608 Independence Ave and that fire caused substantial damage to five or more inhabitable structures.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment.

Count II. Arson 1st Degree - Causing Serious Physical Injury Or Death (569.040-002Y19872099.0)

The Grand Jurors of the County of Jackson, State of Missouri, charge that the defendant, in violation of Section 569.040, RSMo, committed the **class A Felony of Arson in the First Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about October 12, 2015, in the county of Jackson, State of Missouri, the defendant knowingly damaged an inhabitable structure consisting of apartments located at 2608 Independence Ave., and the defendant did so by starting a fire at a time when persons were then present or in near proximity thereto and thereby recklessly placed such persons in danger of death or serious physical injury. Further as a result of such fire set by the defendant, Larry Leggio and John Mesh died.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment. The range of punishment for a class B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

**Count III. Murder 2nd Degree - Felony Murder - During Perpetration/attempted
Perpetration/flight From Perpetration Of A Felony, A Person Dies (565.021-003Y19840999.0)**

The Grand Jurors of the County of Jackson, State of Missouri, charge that the defendant, in violation of Section 565.021, RSMo, committed the **class A Felony of Murder in the Second Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, Larry Leggio was killed by the collapse of a building at 2608 Independence Ave., a result of the perpetration of the Class A Felony of Arson in the First Degree under Section 569.040, RSMo committed by the defendant on or about October 12, 2015, in the County of Jackson, State of Missouri.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment.

**Count IV. Murder 2nd Degree - Felony Murder - During Perpetration/attempted
Perpetration/flight From Perpetration Of A Felony, A Person Dies (565.021-003Y19840999.0)**

The Grand Jurors of the County of Jackson, State of Missouri, charge that the defendant, in violation of Section 565.021, RSMo, committed the **class A Felony of Murder in the Second Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, John Mesh was killed by the collapse of a building at 2608 Independence Ave., a result of the perpetration of the Class A Felony of Arson in the First Degree under Section 569.040, RSMo committed by the defendant on or about October 12, 2015, in the County of Jackson, State of Missouri.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment.

Count V. Assault 2nd Degree (565.060-001Y19841399.0)

The Grand Jurors of the County of Jackson, State of Missouri, charge that the defendant, in violation of Section 565.060, RSMo, committed the **class C felony of assault in the second degree**, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, the defendant recklessly caused serious physical injury to Dan Werner by causing a fire at 2608 Independence Avenue.

The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed five thousand dollars (\$5,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime up to a maximum of twenty thousand dollars (\$20,000).

Count VI. Assault 2nd Degree (565.060-001Y19841399.0)

The Grand Jurors of the County of Jackson, State of Missouri, charge that the defendant, in violation of Section 565.060, RSMo, committed the **class C felony of assault in the second degree**, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, the defendant recklessly caused serious physical injury to Chris Anderson by causing a fire at 2608 Independence Avenue.

The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed five thousand dollars (\$5,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime up to a maximum of twenty thousand dollars (\$20,000).

Wherefore this Indictment supersedes any complaint previously filed in the Associate Circuit Court.

TRUE BILL

FOREPERSON

**JEAN PETERS BAKER
PROSECUTING ATTORNEY
FOR THE COUNTY OF JACKSON,
STATE OF MISSOURI, by**

Received this _____ day of _____, 2016.

Bail set at \$

WARRANT / SUMMONS TO ISSUE

CIRCUIT COURT JUDGE

WITNESSES:

Chris Anderson, c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Heather Anderson , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Angela Emmick , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Joseph Leggio , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
MaryLynn Leggio , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Michelle Leggio , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Missy Leggio , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Barbara Mesh , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Felicia Mesh , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Mark Mesh , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Jena Oliver , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
Dan Werner , c/o Jackson County Prosecutor's Office, Kansas City, MO 64106
SA Ryan Zornes, c/o Jackson County Prosecutor's Office, Kansas City, MO 64106

1516-CR03754

Date: January 22, 2016

CRN:15-073521

PROBABLE CAUSE STATEMENT

I, Ryan T. Zornes, Special Agent Certified Fire Investigator (SACFI), Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter referred to as "ATF"), being duly sworn state as follows:

I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since November 2001. I am currently assigned to the Kansas City Field Division, Kansas City, Missouri Field Office and investigate incidents involving the criminal use of fire.

During my tenure as an ATF agent, I have been the affiant for numerous federal search warrants, which have resulted in the seizure of firearms, narcotics, drug proceeds and other contraband. I have personally conducted and participated in numerous investigations, which have resulted in the arrest and prosecution of individuals charged for violating federal firearms, arson, drug and explosive laws.

I have investigated numerous fires that have occurred in commercial and residential occupancies. During those investigations, I determined or assisted with the determination as to where the fire originated and what caused the fire (origin and cause). I have also testified as an expert witness in Missouri State Court and Federal Court in the United States District Court, Western District of Missouri, offering my expert opinion as to the origin and cause of fires.

I have participated in fire and explosive investigations as an active member of the ATF National Response Team which responds to major incidents that have occurred throughout the United States involving the loss of life and or significant loss of property.

The information in this affidavit is based upon my personal observations and investigation, or on information relayed to me by other special agents or other law enforcement officers working with me, as well as official reports of investigation from law enforcement agencies, and recorded conversations. Because this application is being submitted for the purpose of establishing probable cause to support a search warrant, I have not included every fact known to me concerning this investigation. I have submitted only those facts and circumstances which I believe are necessary to establish probable cause for the issuance of an arrest warrant.

Based upon my training, experience and participation in this investigation, as well as numerous other investigations involving arson for profit, I know that some potential indicators of the crime of arson include:

- fires having multiple origins, fires occurring at night or on holidays, fires shortly after the departure of the occupants, fires occurring at business in poor financial condition or impeding foreclosure proceedings, business offered or listed for sale.

- that arsonists who set or plan fires involving their business, do so for financial gain, and often times make changes in insurance policy coverage to include business interruption coverage; make misrepresentations on the application; have history of previous fire losses.

On October 12, 2015, at approximately 7:24p.m., the Kansas City Fire Department (KCFD) responded to a reported structure fire at 2608 Independence Avenue, Kansas City, Missouri 64124. When the KCFD arrived on scene, firefighters observed heavy smoke coming from the north (rear) side of the structure. During fire suppression efforts, and at approximately 8:03p.m., an east exterior wall of the apartment building, and business occupancy located at 2618 Independence Avenue collapsed, killing two (2) KCFD firefighters and injuring two (2) additional KCFD firefighters who were actively involved in fire suppression efforts in an east alleyway that separated the apartment building from Snyder's Supermarket located at 2620 Independence Avenue, Kansas City, Missouri 64124.

On October 12, 2015, the Kansas City Police Department (KCPD) requested ATF CFI assistance to determine the origin and cause of the fire. ATF responded, and arrived on scene at approximately 9:23p.m. After an assessment by ATF, and at the request of the KCPD and KCFD, the ATF National Response Team (NRT) was requested to investigate the fire and determine the origin and cause of the fire.

On October 14, 2015, the ATF NRT arrived on scene and began systematically removing debris from the structure. The initial fire scene examination was conducted under written consent from representatives for Jackson Hewitt (2606 Independence Avenue), Gracie's Store (2606 Independence Avenue), LN Salon and Spa (2614 Independence Avenue), an unoccupied business with a newly signed lease (2618 Independence Avenue), and the building owner for the entire structure, which includes his ownership of the sixteen (16) unit apartment building above the businesses.

On October 20, 2015, a search warrant was obtained to continue processing the scene located between 2600 Independence Avenue through 2618 Independence Avenue.

On October 26, 2015, investigators concluded processing the fire scene located between 2600 Independence Avenue through 2618 Independence Avenue. At the conclusion of the fire scene examination, your affiant determined that the fire, which destroyed Speedy Cash Payday Loans, located at 2600 Independence Avenue, Jackson Hewitt Tax Service, located at 2606 Independence Avenue, Gracie's Store, located at 2610 Independence Avenue, LN Salon and Spa located at 2614 Independence Avenue, an unoccupied business occupancy located at 2618 Independence Avenue, and a two-story, sixteen (16) unit apartment building that extended above the businesses located between 2606 Independence Avenue through 2618 Independence Avenue originated in a northeast corner storage room located in LN Salon and Spa.

Based on a systematic examination of the fire scene utilizing the scientific approach, which included information available to fire investigators at the time the fire scene examination was conducted, it is the opinion of your affiant, as an expert in fire origin and

caused determinations, that the fire originated in the northeast corner storage room inside LN Salon and Spa located at 2614 Independence Avenue. The fire was caused by the intentional ignition of combustible material (first fuel ignited) in the northeast corner storage room using an open flame (ignition source). After the elimination of all accidental and natural causes for the fire, through consideration of witness statements, application of fire dynamics, analysis of fire patterns, and a systematic examination of the electrical system to include arc mapping and other information developed during the investigation, the cause of the fire was determined to have been intentionally set and was classified as incendiary.

During this investigation, an interview of Thu Hong Nguyen was conducted, during the interview, Thu Hong Nguyen stated she left LN Salon and Spa at approximately 7:15p.m. on the night of the fire, secured the business and left the area in the presence of two other individuals. Subsequent investigative information revealed that only one other individual was present with Thu Hong Nguyen when she secured the business and left the area, Thu Hong Nguyen was also the last occupant to exit LN Salon and Spa on the night of October 12, 2015.

During the fire scene examination, investigators determined that LN Salon and Spa contained only one (1) entrance into the business which was located on the south (front) side of the structure and was accessed off of Independence, Avenue. No rear entrance was located at the north (rear) end of LN Salon and Spa.

Further investigation revealed that as early as 7:17 p.m. on the night of the fire, electrical activity was detected which indicated fire was impinging on energized electrical circuits that distributed power to the apartment buildings located above LN Salon and Spa. The electrical circuits, which were being impinged on by fire, were located in the north end of LN Salon and Spa in close proximity to the northeast corner storage room where the fire originated. Evidence of this electrical activity (arcing) was observed during the fire scene examination of the electrical branch circuits in LN Salon and Spa by an electrical engineer. The electrical artifacts (arcing), that were observed in LN Salon and Spa were caused by the fire and not a cause of the fire.

An interview conducted with an employee who left the business with Thu Hong Nguyen On October 26, 2015, indicated that he/she is typically given the opportunity to smoke a cigarette while Thu Hong Nguyen closes her business down. On the night of the fire, it was learned that the witness was not afforded the opportunity to smoke a cigarette because Thu Hong Nguyen exited the business at approximately 7:15p.m.

On October 12, 2015, at 6:56:28 p.m. (DVR time: 6:39:55 p.m.) the last customer was observed on video surveillance footage from Safari Cafe (located at 2605 Independence, Avenue, Kansas City, Missouri), leaving LN Salon and Spa, gets into a car that pulls up on Independence Avenue. This information is supported by an initial interview of Thu Hong Nguyen where she stated the last customer left the nail salon at approximately 7:00 p.m.

On October 12, 2015, at 7:10:53 p.m. (DVR time: 6:54:20 p.m.) an individual is observed on video surveillance footage from Safari Cafe, leaving LN Salon and Spa and

waits near the front door. During an interview with the employee who left with Thu Hong Nguyen, the witness stated that he/she left the nail salon, leaving Thu Hong Nguyen in the store alone.

On October 12, 2015, at 7:12:22 p.m. (DVR time: 6:55:49 p.m.) the interior lights for LN Salon and Spa are observed on video surveillance footage from Safari Cafe going out and then approximately two seconds later, an individual is seen leaving the nail salon. It should be noted that two (2) lighted nail salon signs are observed in the "on" position as the two (2) individuals that were observed leaving from in front of the nail salon walking toward the east alley by Snyder's Supermarket located at 2620 Independence Avenue.

On October 12, 2015, at 7:12:40 p.m. (DVR time: 7:09:25 p.m.) separate video surveillance footage from Snyder's Supermarket depicts an Asian female walking toward the east alleyway carrying a bag. This is confirmed during an initial interview of Thu Hong Nguyen. Behind her, an Asian male is also observed on video surveillance footage walking toward the east alleyway at 7:12:43 p.m. (DVR time: 7:09:28 p.m.).

On October 12, 2015, at 7:25:16 p.m. (DVR time: 7:08:43 p.m.), the lighted window signs in LN Salon and Spa are observed on video surveillance footage from Safari Cafe going out, and at 7:26:02 p.m. (DVR time: 7:22:47 p.m.) the first signs of smoke are observed on a south door video surveillance footage camera located at Snyder's Supermarket.

It should be noted that the aforementioned video surveillance times noted in this affidavit are Real Time. An investigator took photographs showing both the DVR time as seen on the surveillance monitors for Safari Cafe and Snyder's Supermarket and the investigators cell phone displaying the actual date/time according to Time.gov. The DVR offset for the Safari Cafe was 16:33 minutes earlier than Real Time, and Snyder's Supermarket (south door) was 3:15 minutes earlier than Real Time.

During the course of this investigation, investigators learned that Thu Hong Nguyen was associated with two (2) other fires:

On July 25, 2013, a fire occurred at Nails USA located at 410 SW Ward Road, Lee's Summit, Missouri 64081, which Thu Hong Nguyen was an employee of at that time. During the ensuing cause and origin investigation, fire investigators determined the fire was isolated to a nail salon workstation being used by Thu Hong Nguyen. The cause of the aforementioned fire was classified as accidental.

On January 6, 2015, a fire occurred at 2608 Independence Avenue, Apt #2, Kansas City, Missouri which subsequently damaged LN Salon and Spa which is owned by Thu Hong Nguyen. It should be noted that Apt #2 was secured and vacant at the time of the fire. Apt #2 was also located directly above the LN Salon and Spa located at 2614 Independence Avenue on the south (front) end of building. The cause of the fire in Apt #2 was determined to have been intentionally set and was classified as incendiary.

On October 26, 2015, an interview of Thu Hong Nguyen was conducted by investigators, during the interview, Thu Hong Nguyen stated she received proceeds from insurance payouts as a result of the fires that occurred on July 25, 2013 at Nails USA in Lee's Summit, Missouri and the fire that occurred on January 6, 2015 in Apt#2 in the apartment building located directly above LN Salon and Spa.

During that same interview, Thu Hong Nguyen made statements that conflicted with statements made by other witness about who was with her when she left LN Salon and Spa on the night of the fire. Thu Hong Nguyen also made statements regarding phone calls that were inconsistent with a physical examination of her cell phone activity. Thu Hong Nguyen also made statements that she went to a nail supply store the day of the fire and purchased four (4) bottles of acetone and four (4) bottles of isopropyl alcohol, both of which are an ignitable liquid. During an initial interview Thu Hong Nguyen admitted to investigators that she had four (4) bottles of acetone and four (4) bottles of isopropyl alcohol stored in the LN Salon and Spa the day of the fire.

During an initial interview of Thu Hong Nguyen, Thu Hong Nguyen informed investigators that she left LN Salon and Spa with two (2) other individuals but would not disclose the identity of one of the employees present because she wanted to speak with the employee prior to investigators.

On January 20, 2016, an interview of Kansas City Fire Department, Firefighter Chris Anderson was conducted by your affiant. During the interview, Anderson stated that on October 12, 2015, he was buried under approximately 4' of brick and other debris when the east wall of the building collapsed. Firefighter Anderson sustained serious injuries as a result of the wall collapsing onto him during the fire. Those injuries included a mild traumatic brain injury with ongoing symptoms of post-concussion syndrome. Firefighter Anderson also sustained four (4) broken ribs and damage to nerves along the left side of his ribcage. Firefighter Anderson also received a deep tissue tear to his left glute. Anderson has also continued to suffer from an infection involving his stomach and intestines which has caused him to vomit three (3) to (4) times a day. Anderson stated the infection was not present before the fire and wall collapse on October 12, 2015.

On January 20, 2016, an interview of Kansas City Fire Department, Firefighter Dan Werner was also conducted by your affiant. During that interview, Werner described to investigators the serious injuries he sustained on October 12, 2015 after he was buried up to his waist in brick and debris when the east wall of the building collapsed during the fire. Firefighter Werner also stated that he was standing approximately 5' from Firefighter John Mesh when the collapse occurred. The injuries Firefighter Dan Werner sustained from the wall collapsing onto him included a dislocated ankle and torn tendon, five separate fractures in his lower legs, a laceration to his head and a concussion.

That based upon the above, I believe there exists probable cause that Thu Hong Nguyen knowingly damaged a building consisting of commercial spaces and residential apartments located at 2600 - 2618 Independence Avenue, by starting a fire, placing other persons who were in close proximity thereto in danger of death or other serious bodily injury

and as a result of the fire set by Thu Hong Nguyen caused the deaths of Kansas City Fire Department Firefighters Larry Leggio and John Mesh. Thu Hong Nguyen also caused serious bodily injury to Kansas City Fire Department Firefighters Chris Anderson and Dan Werner.

I also believe that there exists probable cause that Thu Hong Nguyen caused substantial damage to five or more buildings or inhabitable structures by destroying or damaging by use of fire the following business and inhabitable structures: Speedy Cash Payday Loan (2600 Independence Avenue), Jackson Hewitt (2606 Independence Avenue), Gracie's Store (2606 Independence Avenue), LN Salon and Spa (2614 Independence Avenue), an unoccupied business with a newly signed lease (2618 Independence Avenue), sixteen (16) unit apartments located above the businesses located between 2606 – 2618 Independence Avenue and Snyder's Market (2620 Independence Avenue).



Ryan T. Zornes
Special Agent Certified Fire Investigator
Bureau of Alcohol, Tobacco, Firearms and Explosives