

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Idaho

United States of America )

v. )

Larry Fairfax )

Case No. MS10-6866-CWD

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 May 30, 2010 in the county of Bonner in the District of Idaho, the defendant(s) violated:

Code Section Title 26, United States Code, Sections 5861(d) and 5861(f)

Offense Description Count 1 - Possession of a firearm not registered in the National Firearms Registration and Transfer Record; Count 2 - Making a firearm in violation of the National Firearms Act

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.

C. Todd Smith signature

C. Todd Smith, Special Agent Printed name and title

Sworn to before me and signed in my presence.

Date: 06/16/2010

Candy W. Dale signature

City and state: Coeur d'Alene, Idaho

Chief U.S. Magistrate Judge Candy W. Dale Printed name and title

AFFIDAVIT OF TODD SMITH

CITY OF COEUR D'ALENE            )  
COUNTY OF KOOTENAI            )  SS  
STATE OF IDAHO                    )

Todd Smith, being first duly sworn on oath, deposes and states:

1.       I am a Special Agent, employed by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been so employed since September of 2002. Prior to my employment with ATF, I was employed for seven years as a Police Officer and Investigator with the Knoxville Police Department, in Knoxville, Tennessee. During my law enforcement career, I have made hundreds of felony arrests for both state and federal violations. I have participated in hundreds of investigations involving felonious crimes. I have received over one year of specialized training at both state and federally accredited academies and schools.

2.       As a result of my training and experience, I am familiar with Federal firearms and explosives laws. I am familiar with United States Code, Title 26, Chapter 53, commonly referred to as the National Firearms Act. Specifically, I know that Title 26, United States Code, Sections 5861(d) and Section 5861(f) prohibit any person from making or possessing any firearm, to include a destructive device, which is not registered in the National Firearms Registry and Transfer Record. I know that a "destructive device" as defined by Title 26, United States Code, Section 5845(f)(1), is defined as an explosive or incendiary, including a bomb. I know this includes what is commonly referred to as a "pipe bomb". I know that Title 26, United States Code, Section 5871, states that any person who violates any provision of United States Code,

Title 26, Chapter 53, shall upon conviction, be fined for not more than \$10,000, or be imprisoned for not more than ten years, or both.

3. The following is based upon information which I personally observed or received from Detective Sergeant Dan O'Dell of the Coeur d'Alene Police Department, from the Federal Bureau of Investigation, from my own efforts, and from the Spokane County Bomb Squad.

4. On June 15, 2010, at approximately 12:40 p.m., the Coeur d'Alene Police Department responded to a call of a suspicious device located underneath a vehicle at the Quick Lube, located at 484 W. Bosanko Avenue, in Coeur d'Alene, Idaho. Workers at this business had attempted maintenance on a 2004 Mitsubishi Endeavor, with Idaho plate 7BC0982, when they observed a galvanized pipe with green fuse affixed to the bottom of the vehicle. The workers immediately contacted police and pushed the vehicle out of the building.

5. The Coeur d'Alene Police responded and contacted the Spokane County Bomb Squad to investigate what they believed to be a possible pipe bomb. The area was cordoned off by emergency services and the Spokane County Bomb Squad arrived to investigate. A robotic vehicle was used to remove the pipe from underneath this vehicle and the pipe was transported in a containment vessel to a nearby gravel pit for further investigation. The Spokane County Bomb Squad was able to safely disrupt the pipe and found that it contained what appeared to be smokeless powder.

6. I spoke with the Spokane County Bomb Squad who described this pipe as approximately 12 inches long and 2 to 2.5 inches wide. The device appeared to be made of a galvanized pipe with two end caps. One of these caps had a hole in it and green hobby fuse (commonly used in fireworks) was coming out of the end of the pipe. This fuse appeared to have

been taped to the vehicle and the vehicle muffler. The pipe was held to the vehicle by twisted metal wires and what appeared to be a small magnet on the side of the pipe. The Spokane County Bomb Squad believed this was a viable explosive device that could have resulted in death or serious bodily injury to any person nearby had the device detonated.

7. On this same date, at approximately 7:00 p.m., I observed Detective Sergeant Dan O'Dell of the Coeur d'Alene Police Department interviewing a male identified as Larry FAIRFAX. This interview occurred at the Coeur d'Alene Police Department in the presence of Jim Michaud, an attorney, retained by FAIRFAX. This interview was videotaped and I watched and listened on a monitor. During this interview, I heard FAIRFAX say that he built this device and placed it on this vehicle. I learned that FAIRFAX had also built a second device which he had emptied of powder and turned over to Sergeant O'Dell.

8. At approximately 8:15<sup>p.m.</sup>, I introduced myself to FAIRFAX and Mr. Michaud in this same interview room. I advised FAIRFAX that he was under arrest for possession of an explosive device. I advised FAIRFAX of his *Miranda* rights and FAIRFAX waived these rights. FAIRFAX told me that he had built two of these devices in his residence located in Sagle, Idaho. FAIRFAX built the devices as part of a murder for hire plot. FAIRFAX said he had been hired by Edgar Steele to kill Steele's wife, C.K.S. On or about May 30, 2010, FAIRFAX put one device on C.K.S.'s car, the Black Mitsubishi Endeavor. FAIRFAX was told by Edgar Steele that C.K.S. would be driving the Mitsubishi to Oregon on May 31, 2010. The other device was to be put on a car driven by Edgar Steele. The plan was the device would explode and cause the car to crash and cause the death of C.K.S.. Edgar Steele planned to then ignite the device under his car to provide an alibi or evidence that both he and his wife had been targeted for murder. FAIRFAX

indicated he put a piece of tape on the fuse believing the tape would prevent the device from functioning. FAIRFAX was provided access to the vehicle by Edgar Steele and the device was affixed to Mitsubishi at the Steele residence in Sagle, Idaho.

9. The second device was provided to the law enforcement by FAIRFAX. The device was made safe by FAIRFAX prior to providing the device to law enforcement. The device was similar in nature to the device recovered from the Mitsubishi Endeavor.

10. FAIRFAX said he built the devices using galvanized pipe and a canister of smokeless gunpowder that he had in his residence. FAIRFAX said he drilled a hole in one of the end caps of the device and placed hobby fuse through this hole. FAIRFAX said he taped the fuse to both the device and the muffler of this vehicle. FAIRFAX said he placed extra tape on the fuse because he believed this would stop the fuse, when ignited, from reaching the pipe. FAIRFAX said he also used wire to place this device on the frame of the vehicle underneath the driver's side.

11. I observed that the empty pipe device FAIRFAX had given to detectives appeared similar to the explosive device found underneath the Mitsubishi Endeavor. The description of this device and how it was placed by FAIRFAX was identical to the device recovered by the Spokane County Bomb Squad.

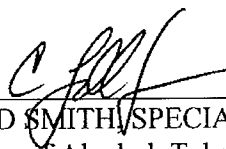
12. On June 15, 2010, I caused a query of the National Firearms Registry and Transfer Record. This query revealed no record of FAIRFAX.

13. Because this affidavit is being submitted solely for establishing probable cause of the aforementioned violation(s), I have not included each and every fact known to me in this

investigation. I have set forth only the facts necessary to support the issuance of this criminal complaint.

14. Based on the above listed information, I believe that clear violations of Title 26, United States Code, Sections 5861(d) and 5861(f) were committed by Larry FAIRFAX. I believe these violations occurred in Bonner County, in the District of Idaho.

DATED this 16th day of June 2010.



TODD SMITH/SPECIAL AGENT  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

SUBSCRIBED AND SWORN TO BEFORE  
ME THIS 16<sup>th</sup> DAY OF JUNE 2010.



CANDY W. DALE  
CHIEF UNITED STATES MAGISTRATE JUDGE

**CRIMINAL COVERSHEET**

MS10-6866-CWD

DEFENDANT'S NAME: <b>Larry Fairfax</b> - in custody Kootenai County Jail  DEFENSE ATTORNEY: Address:  Telephone No.:  INVESTIGATIVE AGENT: C. Todd Smith Telephone No.: 509-324-7866 AGENCY: ATF	JUVENILE: No  PUBLIC or SEALED: Public  SERVICE TYPE: Warrant (Summons or Warrant or Notice (if Superseding))  ISSUE: Yes  INTERPRETER: No If YES, language:
<b>CASE INFORMATION:</b> (Miscellaneous, CVB, other related defendants/case numbers)	<b>RELATED COMPLAINT:</b> Yes  <b>CASE NUMBER:</b>

**CRIMINAL CHARGING INFORMATION**

<b>CHARGING DOCUMENT:</b> <u>Complaint</u>			
Felony: <u>Yes</u>		County of Offense: <u>Bonner</u>	
Class A Misdemeanor: <u>No</u>		Estimated Trial Time: <u>4 days</u>	
Class B or C Misdemeanor: <u>No</u> (Petty Offense)			
STATUTE (Title and Section(s))	COUNT/ FORFEITURE ALLEGATION	BRIEF DESCRIPTION	PENALTIES (Include Supervised Release and Special Assessment)
26 U.S.C. § 5861(d)	1	<i>Possession of a firearm not registered in the National Firearms Registration and Transfer Record</i>	<i>Imprisonment of not more than 10 years and/or fine of \$10,000; supervised release: not more than 3 years; special assessment: \$100</i>
26 U.S.C. § 5861(f)	1	<i>Making a firearm in violation of the National Firearms Act</i>	<i>Imprisonment of not more than 10 years and/or fine of \$10,000; supervised release: not more than 3 years; special assessment: \$100</i>

Date: **June 16, 2010** -  
complaintAssistant U.S. Attorney: **Traci J. Whelan**

Telephone No.: **667-6568**

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