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Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)	CRIMINAL NO. 10-183-M-BLW
)	
Plaintiff,)	AFFIDAVIT OF JEFF BUCK
)	
vs.)	
)	
LARRY FAIRFAX,)	
)	
Defendant.)	
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STATE OF CALIFORNIA)
 : ss.
County of SHASTA)

JEFF BUCK, being first duly sworn on oath deposes and states:

AFFIDAVIT OF JEFF BUCK



1. I have personal knowledge of the information contained herein. If called upon as a witness, I could and would competently testify to the facts herein set forth as the same are within my personal knowledge.

2. Attached hereto as Exhibit "1" is a copy of my resume. As noted therein, I am the holder of an ATF User of High Explosives Permit and have worked with explosives for over 20 years.

3. I have conducted testing of like materials as compared to the actual destructive device in this matter after inspection of this device at the office of AUSA Whelan in Coeur d'Alene, ID. A true and correct copy of my report of my inspection and testing is attached hereto as Exhibit "2".

4. I, or at my direction, video recorded my testing. True and correct CD/DVD discs of this recording were supplied to Mr. Miller by me for display to the Court. These recordings accurately depict my tests.

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AFFIDAVIT OF JEFF BUCK

5. As reflected in my report, it is my opinion that the type of fuse used in this case would not have ignited from the heat generated by the exhaust system components on the vehicle in question and thus detonation of the device would not occur absent a different ignition source.

DATED this 6th day of May 2011.

Jeff Buck

JEFF BUCK

SUBSCRIBED AND SWORN to before me this 6th day of May, 2011.

See attached

Notary Public for the State of California
Residing: _____
My Commission Expires: _____

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Shasta

On 5-6-11 before me, Sabrina Gooden
(Here insert name and title of the officer)

personally appeared Jeff Buck

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Sabrina Gooden
Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer

(Title)

- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, -is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ◊ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ◊ Indicate title or type of attached document, number of pages and date.
 - ◊ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

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Jeffrey T. Buck

- Employment**
- 1991-Current Buck's Construction (LLC) Sandpoint, Idaho
Owner, Managing Member, Blaster
- I went into business in 1991 for myself, taking over the business from my grandfather. During this time, I did blasting for a variety of different things, including quarry blasting, demolition blasting (construction industry), and stump blasting, as well as smaller, specialized blasting (rock breaking in graves being dug), in addition to pyrotechnic displays (display fireworks). I have done large fireworks displays for Silverwood Theme Park (2005-2007), and for the community of Athol, Idaho (2007, 2008, 2009, 2010). I have also done smaller private shows many times over the past twenty years.
- 1982-1991 Buck's Construction Spokane, Washington
Apprentice Blaster
- I apprenticed under my grandfather, Ivan H. Buck, to learn road construction and blasting technique.
- Education**
- 1982-Current Buck's Construction Spokane, WA &
Sandpoint, Idaho
- My education was on-the-job training.
- Licenses**
- ATF User of High Explosives Permit-- November 2003 to Current (No License was required prior to this, so none was held)

EX "1"

BUCK'S CONSTRUCTION, LLC

JEFF BUCK

~~200 HILL AND BEND~~

SANDPOINT, IDAHO 83864

~~(208) 267-1250 OR (208) 267-1255~~

PURPOSE OF REPORT:

I was retained by defense counsel, John E. Miller, Esq., in the matter U.S. v Larry Fairfax, Case No.: CR 10-183 N BLW for the purpose of a review of the evidence provided by the US Attorney's Office and its investigators related to the explosive device materials gathered by the prosecution's investigators in this case. I was instructed by counsel to verify the type of materials used in the construction of the actual device, and to then obtain like materials for testing of the potential of ignition capability of the fusing given the information available both from the government and from the defense.

TESTING:

I met with Mr. Miller at the US Attorney's office for inspection of the materials. Having satisfied myself of the type of materials used I then obtained like materials for a steel pipe, an end cap, electrical tape, and fusing. I also obtained heat shrink tubing (not viewed at the US Attorney's office) but such material was noted as used by Mr. Fairfax on the ends of the fusing on the actual device. No explosive powder was obtained or used in any of my testing. It was assumed that if an ignition of the fusing in my testing occurred and the fuse burned into the end cap, then it would be sufficient to ignite an enclosed explosive material. The tests conducted were video recorded.

The following is a breakdown of the steps I used in the tests that I ran, as well as the breakdown of the materials used.

Materials and equipment used:

- a. 25,090 BTU propane weed-burner
- b. Snap-On brand infrared thermometer (max temp 888 degrees F)
- c. 6" x 2" diameter threaded steel pipe
- d. 2" steel pipe cap, into which I drilled a 1/4 inch hole
- e. Electrical tape, purchased at Home Depot
- f. Electrical tape provided to us by Carla Fairfax from the defendant's home believed to be the exact type used in the actual device
- g. 2 mm. water resistant black powder cannon fuse sometimes referred to as "hobby fuse"
- h. General muffler and exhaust system parts
- i. Heat shrink tubing (used on fuse during one test, according to Mr. Fairfax, he used such on the fuse ends)
- j. Assembly of common iron for direct heating with the weed-burner to red-hot status.

Test one (several attempts) was to determine the flame retarding capability of the two types of electrical tape (e. and f. above). We needed to establish if it was possible to prevent the

continuation of a burning fuse by wrapping it tightly with electrical tape. The fuse was knotted as it appeared that it had been knotted on the original device. It was then inserted into the drilled hole on the end cap with the knot against the outside edge of the end cap, and then wrapped tightly with multiple layers of electrical tape. The fuse was then ignited with a flame source. The result of this test was that the multiple wraps of electrical tape did not extinguish the burning fuse and did not prevent the fuse from continuing to burn. The entire fuse did burn past the end cap. The electrical tape-wrapped fuse test was repeated several times, with more layers of tape, and the end result was the same. It is my opinion that wrapping this type of fuse with electrical tape will not stop an ignited fuse.

The next tests involved covering the fuse ends with heat-shrink tubing (Mr. Fairfax stated that the fuse used had heat shrink tubing on the fuse ends where they were attached to the vehicle's exhaust system) and wiring them to the above mentioned assembled exhaust system parts. The exhaust system parts were then heated to a temperature in excess of 700 degree F. at the contact point by inserting the ignited weed burner at one end of the assemble parts. The result of this test was that the heat shrink tubing and fuse were discolored at the contact area, but did not ignite. It should also be noted that the same result (discolored without igniting) occurred on a fuse without the shrink wrap.

The next tests involved heating a piece of iron to more than eight hundred degrees, red glowing hot, with the weed-burner, to determine what temperature would ignite the cannon fuse without an open flame. The result of this series of testing was that the fuse would ignite immediately on contact with the red hot glowing iron, and would ignite from prolonged direct contact with the hot iron once the iron temperature exceeded 758 degrees F. At all temperatures below 758 degrees F, the fusing simply discolored but would not ignite no matter the length of time the fuse was in contact with the heated iron.

The next testing involved "breaking" (bending the fuse multiple times until the black powder core was damaged) the fuse in several places and wrapping it tightly under electrical tape, as was stated to have been done with the original device. In more than 50% of the tests, the fuse burned into the cap, despite the breaks and tape.

The last testing performed were temperature tests involving a representative Mitsubishi Endeavor SUV, at Appleway Mitsubishi in Spokane, Washington. The vehicle was started and the engine run for one hour. Temperature readings were taken at 20 minutes of operation at engine idle speed, then again after a prolonged period of running the engine at between 1500 and 2000 RPMs (typical engine RPM range during driving). The result of these tests was: At no time did the exhaust temperatures exceed 450 degree F.

Based upon my research into the normal operating temperatures of this vehicle make and model, combined with the actual testing and temperature readings taken on the like vehicle, and in conjunction with the ignition testing of the type of fuse, it is my opinion that the operating temperatures of the exhaust system on the Mitsubishi Endeavor SUV are too low, and will not ignite the type of fuse used in this matter.

I have provided to Mr. Miller the recorded video of my testing on CD or DVD discs for use, as needed, to display these findings in court.

By signing this document, I certify that I performed these tests myself, with some assistance from immediate family, and that at no time did I rely on information from tests performed by anyone else. The CD or DVD content is of the actual testing and was not modified, altered or enhanced in any way. Similarly, the materials used were in no way altered or modified to skew results.

Jeff Buck

