

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

United States of America
v.

Nicholas L. Scaglione (YOB: 1989)

Defendant(s)

Case No.

1:20MJ65LDA

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

[Handwritten 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 Telephone (specify reliable electronic means).

Date: August 17, 2020

[Handwritten 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 NICHOLAS L SCAGLIONE, date of birth of [REDACTED] 1989 of Cranston, Rhode Island with one count of the attempted malicious destruction of a vehicle by fire in violation of Title 18, United States Code, Section 844(f)(1). 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

3. 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

4. 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.

5. 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.

6. Videos examined included, but are not limited to, video from Facebook account user 'n(redacted).j(redacted).33'

[https://www.facebook.com/n\(redacted\).j\(redacted\).33/videos/vb.10000489980581/5047316721961277/?type=2&video_source=user_video_](https://www.facebook.com/n(redacted).j(redacted).33/videos/vb.100000489980581/5047316721961277/?type=2&video_source=user_video_)

tab); cell phone extractions given by consent and conducted by the Providence Police Department; and other videos submitted via the FBI tip line.

7. A tip line email led law enforcement to interview E. B. ("E. B.") who admitted that he was present and recording on his cell phone during the arson, but did not participate. The identity of E. B. is known to me. E. B. 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 light-skinned male with a black beard and a slender build. This individual wore a black hooded sweatshirt with white stripes on the sleeves and inset black writing, a black baseball hat with red writing on the back, and a black & white bandana.

9. Following the arson, review of the videos identified R. R. ("R. R.") in the crowd and filming with his cell phone in close proximity to the Providence Police Department vehicle before it was set on fire. The identity of R. R. is known to me. R. R. consented to providing his video of the arson.

10. 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 (Exhibit #1). This wanted poster and press

release contained images taken from R. R.'s videos (Exhibits 2-8).

11. Following this release, a witness ("CW#1") contacted the Rhode Island State Police and subsequently the Providence FBI.¹

12. In an in-person interview with CW#1 on August 7, 2020, he/she stated that the person depicted in the FBI Wanted Poster as 'Individual #2' was NICHOLAS L. SCAGLIONE. CW#1 had known SCAGLIONE for his/her entire life.

13. CW#1 was aware of a text message that NICHOLAS L. SCAGLIONE sent to another individual. This text message included a photograph depicting SCAGLIONE on top of a Providence Police Department vehicle that occurred during the riot the evening of June 1/ early morning of June 2, 2020. CW#1 provided this photograph to investigators (Exhibit #9). This depicts an individual wearing a black and white 'Calvin Klein Jeans' sweatshirt, black hat on backwards, and black and white bandana consistent with the images from the R. R. and E. B. videos.

14. CW#1 stated that he/she had a conversation with SCAGLIONE in which he/she asked SCAGLIONE why he was at the riot. SCAGLIONE replied that his father would be proud because the police gave his father a hard time and the police harass SCAGLIONE as well.

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.

15. CW#1 was shown several images captured from videos taken during the riot and asked to identify the subject depicted in the photographs. CW#1 identified the subject as SCAGLIONE (Exhibits 2-8). CW#1 was then shown a portion of the video taken from N. J.'s Facebook Live video. After reviewing from approximately the 46:00-46:33 mark, CW#1 identified NICHOLAS SCAGLIONE as the person in the video.

16. On August 7, 2020, an interview was conducted with N. L. ('N. L.'). The identity of N. L. is known to me. N. L. saw the media release and wanted poster for the two subjects involved in the arson of the Providence Police Department vehicle. N. L. recognized 'Individual #2' as NICHOLAS SCAGLIONE.

17. N. L. had known SCAGLIONE for approximately (15) years and last saw him about three months ago. They are also "friends" on Facebook.

18. N. L. had access to text messages that were exchanged between SCAGLIONE and SCAGLIONE's ex-wife, K. K., starting on June 2, 2020. The identity of K. K. is known to your affiant. K. K.'s cell phone number was XXX-XXX-8124 and SCAGLIONE's cell phone number was XXX-XXX-1540 (Exhibits 11-23).

19. N. L. stated that K. K. was disgusted with SCAGLIONE, but did not want to turn him in. K. K. and SCAGLIONE had a son together.

20. Language from SCAGLIONE's texts include, but are not limited to, "But that police cruiser that went up in flames last night can be replaced... I was pissed. I've been pissed. That was pent up years of rage and frustration with the way I've seen and been treated by police. That cop car can be replaced. Peoples lives cannot... Then I go out fighting and standing up for shit I believe in. Cuz I know for a fact if it was you or anyone else I was close to I'd burn the whole police force down and not even blink."

21. N. L. was shown several images and asked to identify the subject depicted in the photographs (Exhibits 1-8). N. L. identified the subject as SCAGLIONE.

22. N. L. was then shown a portion of the video taken from N. J.'s Facebook Live video. After reviewing from approximately the 46:00-46:33 mark, N. L. identified SCAGLIONE as the person in the video.

23. On August 12, 2020, K. K. was interviewed in-person. K. K. provided her cell phone and verified the authenticity of the aforementioned text messages by N. L. In sum and substance, and in part, K. K. said that she was aware that SCAGLIONE participated in the riot that took place on the evening of June 1 and into the morning of June 2, 2020. SCAGLIONE texted K. K. that he was at the riot. K. K. also recognized SCAGLIONE's photo on the news. SCAGLIONE had expressed anger and animosity

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

27. On August 14, 2020, Sierra was arrested and charged by criminal complaint with attempted malicious destruction of a vehicle by fire, in violation of 18 U.S.C. § 844(f) (1:20-MJ-64-LDA). He made an initial appearance with counsel from the Federal Public Defender's Office. Sierra is detained at the Wyatt Detention Facility.

28. Upon reviewing the Facebook Live video posted by account user '(redacted).j(redacted).33', the subject now identified as SCAGLIONE is depicted throwing an object toward the vehicle at the 40:17 mark. At the 41:15 mark, SCAGLIONE participates in attempting to flip the vehicle over with other individuals. At the 46:29 mark, there is a visible stream of liquid emanating from SCAGLIONE into the driver's side compartment of the police vehicle. At approximately the 51:00 mark, fire is observed in the front compartment of the vehicle. At approximately the 55:00 mark, the vehicle is fully engulfed in flames.

29. Upon reviewing the E. B. video, at the 26:07 mark, the subject now identified as SCAGLIONE is recorded leaning into the vehicle and lighting it on fire. At the 27:00-27:20 mark, both

SCAGLIONE and Luis Sierra are leaning into the vehicle. At the 27:16 mark, SCAGLIONE is observed squirting a liquid into the vehicle. At the 28:18 mark, smoke is emitting from the vehicle.

CONCLUSION

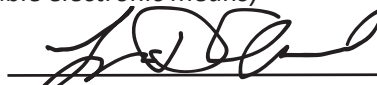
30. Based on the foregoing, I believe that there is probable cause to believe that Nicholas L. SCAGLIONE did attempt to damage or destroy by fire a vehicle owned or possessed by the Providence Police Department, in violation of 18 U.S.C. § 844(f)(1).

Sworn to under the pains and penalties of perjury,

Brendan Fogerty
Special Agent



Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by Telephone _____ (specify reliable electronic means)	
_____ August 17, 2020 _____ Date	_____  _____ Judge's signature
_____ Narragansett RI _____ City and State	_____ Lincoln D Almond USMJ _____ Printed name and title



SEEKING INFORMATION

Exhibit #1

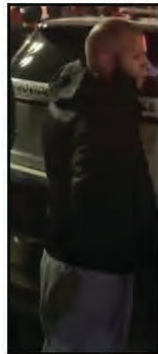
ARSON - PROVIDENCE

PROVIDENCE, RHODE ISLAND

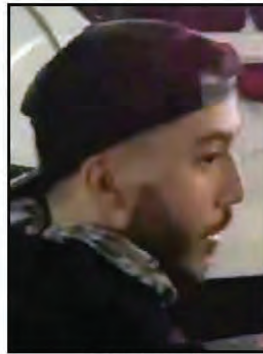
JUNE 1, 2020



Individual #1



Individual #1



Individual #2



Individual #2

REWARD

The FBI is offering a reward of up to \$10,000 for information leading to the arrests of those responsible for this crime.

DETAILS

The Federal Bureau of Investigation (FBI) Boston Division, the Providence Police Department, and the Rhode Island State Police are seeking the public's assistance by providing information about two men who were seen in the vicinity of the Providence Place Mall in Providence, Rhode Island, late Monday, June 1, 2020, and in the early morning hours of Tuesday, June 2, 2020, between 11 p.m. and 2 a.m. These individuals may have information relevant to the ongoing investigation into the vandalism and arson of a Providence Police Department cruiser.

On the night of June 1, 2020, two Providence Police Department officers responded to 1 Providence Place for a riot in progress. The officers parked and secured their vehicle but were overtaken by a group of individuals throwing rocks, bottles, and other objects. Shortly thereafter, several individuals vandalized the cruiser, breaking its windows, and eventually setting it on fire.

Individual #1 appears to be a light-skinned male, approximately 6'1" tall, with a shaved head and a medium-to-heavy build. He wore a black jacket, white sweatpants, a camouflage mask, and was sometimes seen wearing eyeglasses.

Individual #2 is believed to be a light-skinned male with a black beard and a slender build. He wore a black hoodie with white writing on the right sleeve, a black baseball hat with red writing on the back, and a camouflage bandana.

Anyone with information about these individuals or the burning of the cruiser is asked to call the FBI's Boston Office at 857-386-2000. You may also contact your local FBI office, the nearest American Embassy or Consulate, or you can submit a tip online at tips.fbi.gov.

Field Office: Boston

www.fbi.gov

Exhibit #2

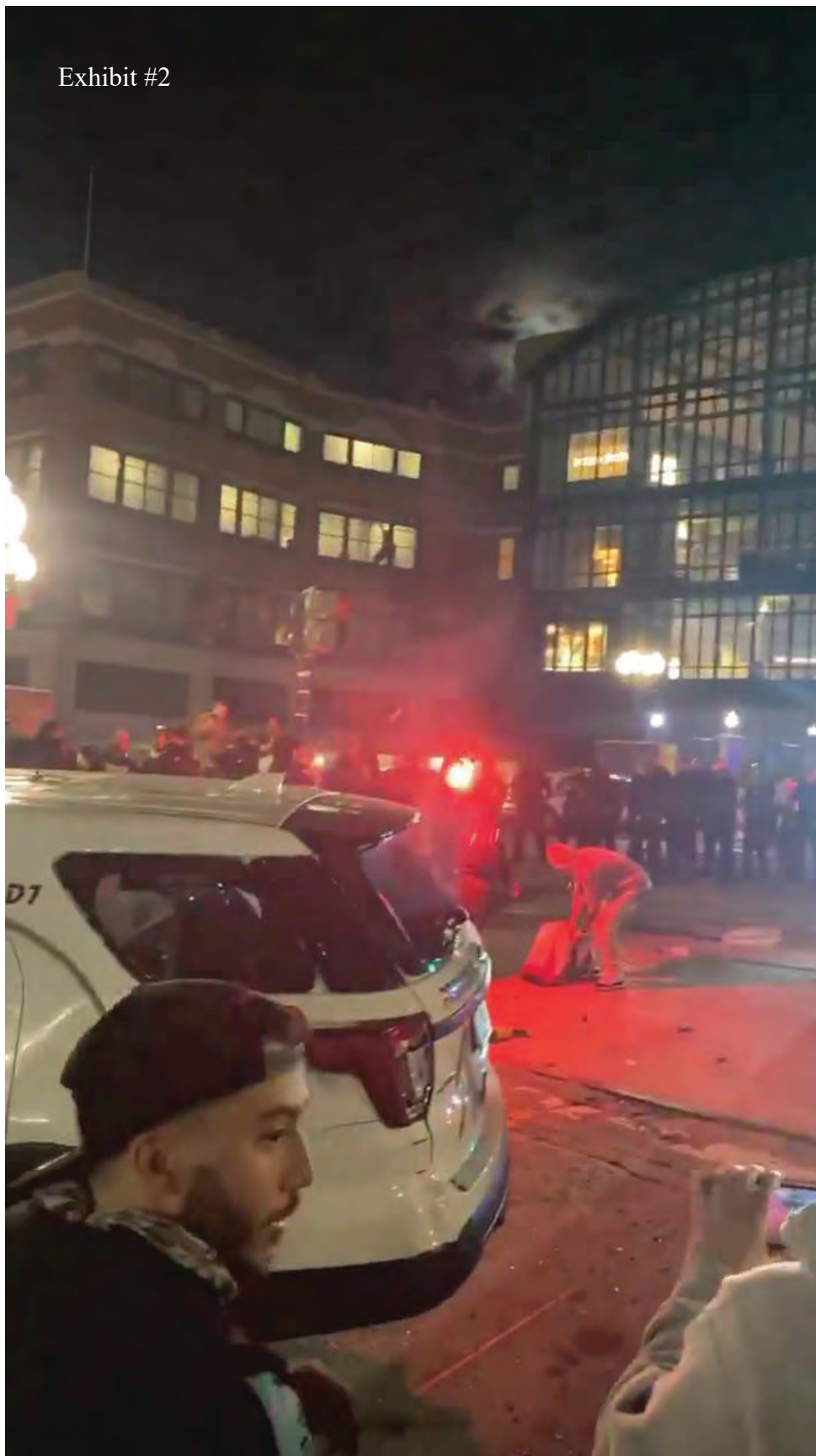


Exhibit #3



Exhibit #4



Exhibit #5

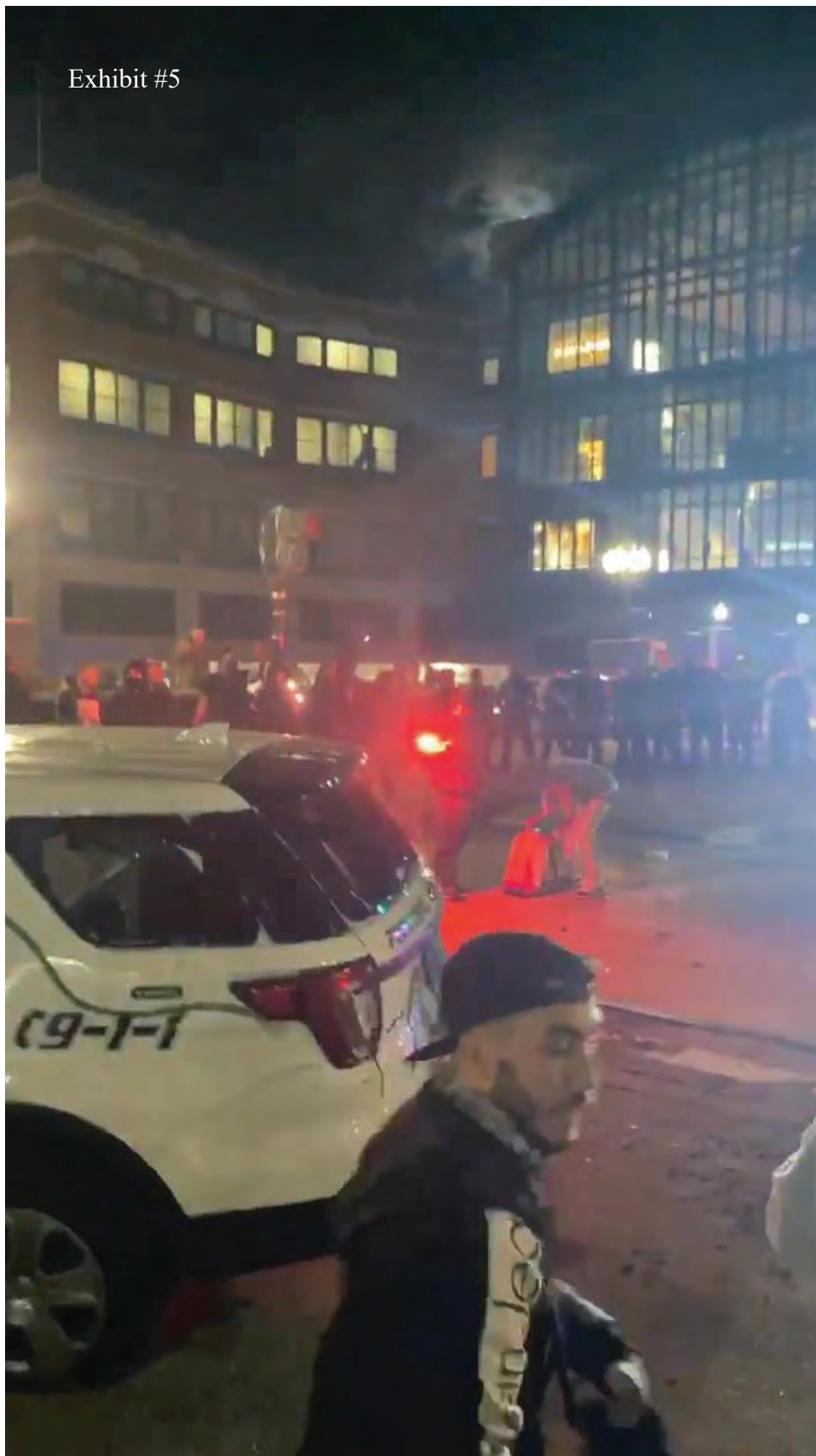


Exhibit #6

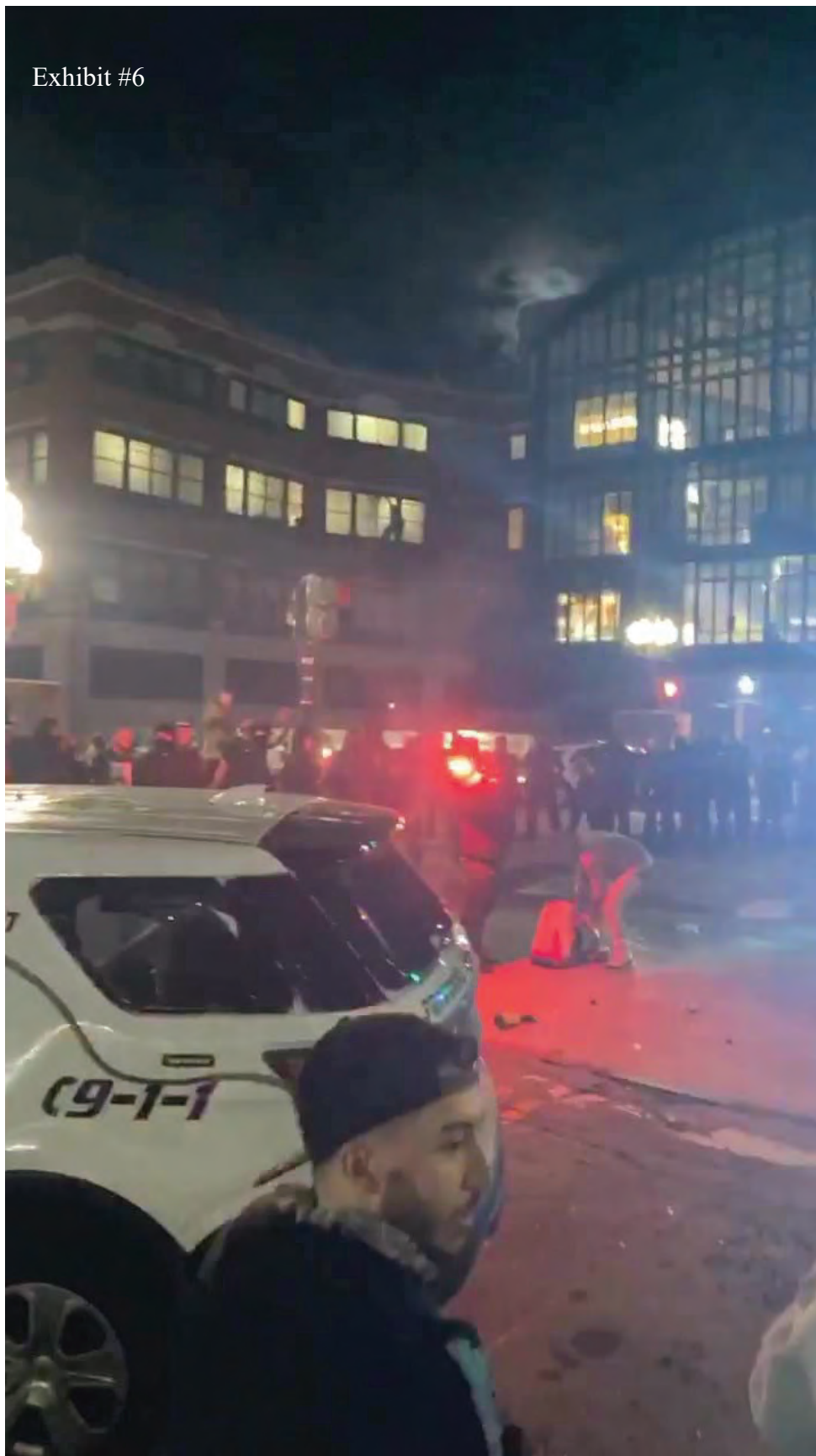


Exhibit #7

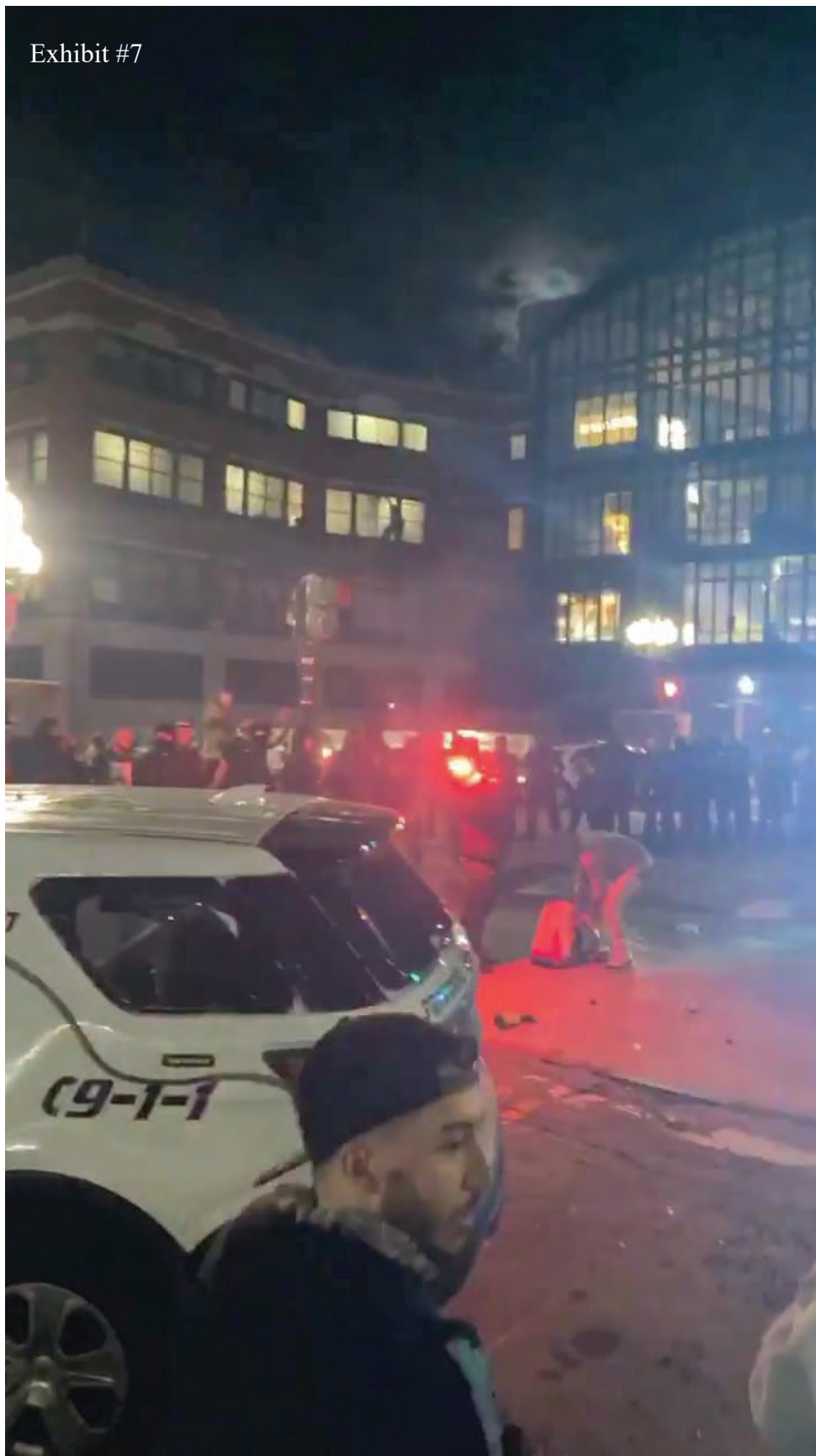


Exhibit #8

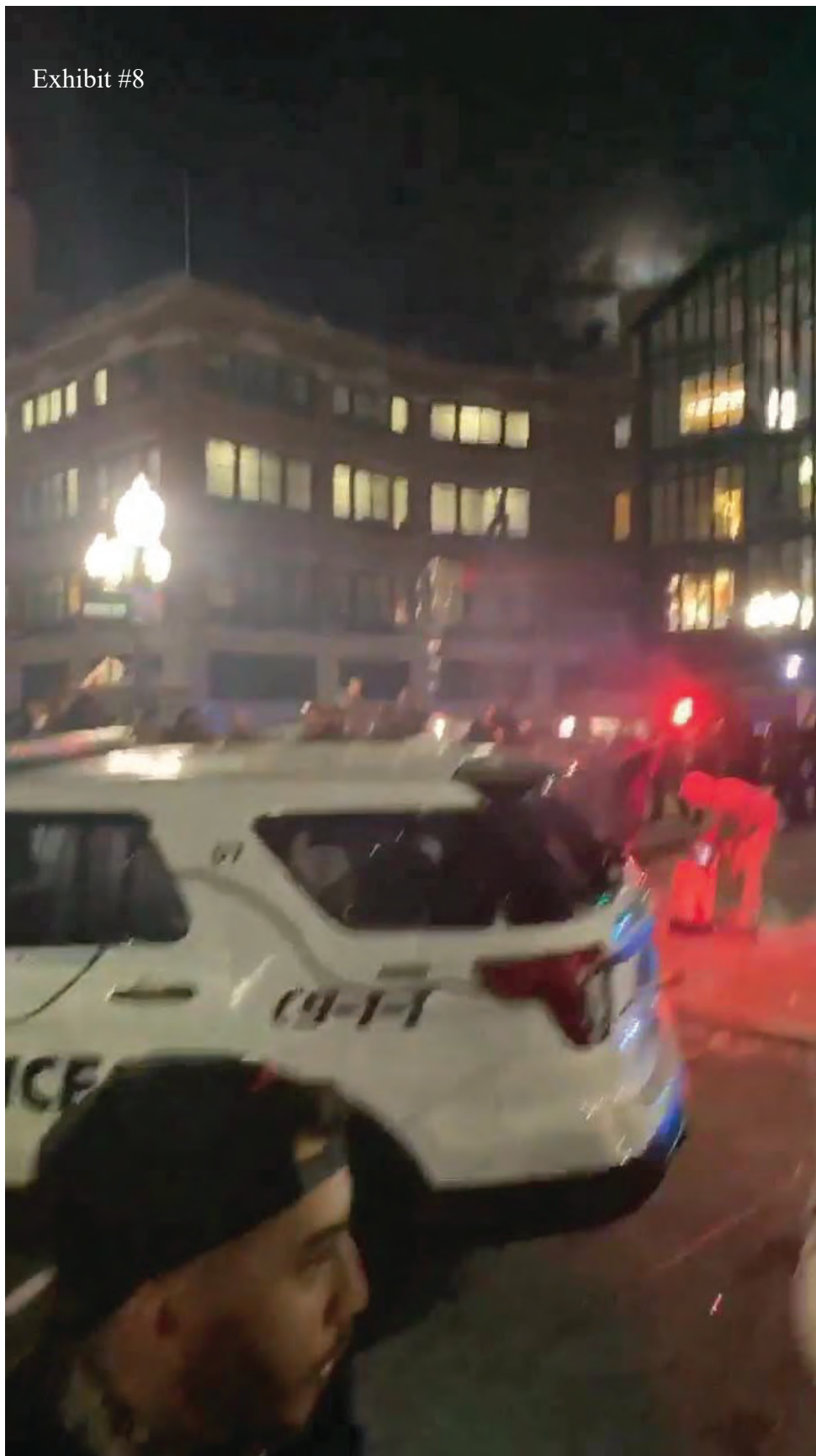


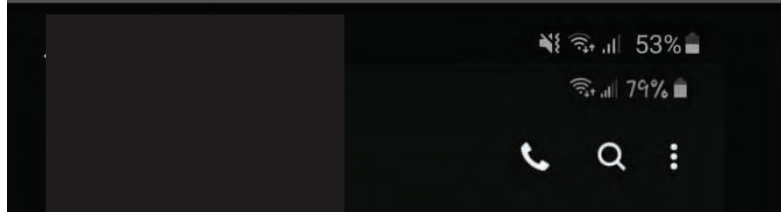
Exhibit #9



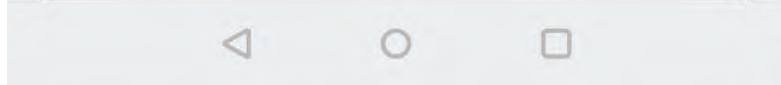
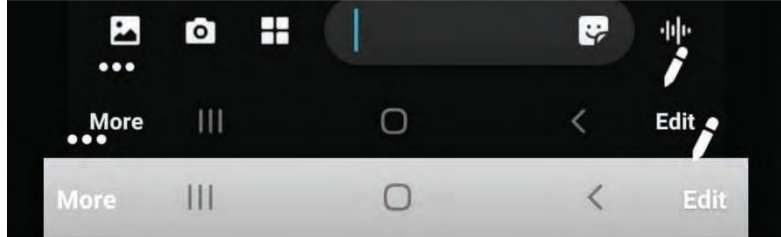
Exhibit #10



Exhibit #11



Tuesday, June 2, 2020







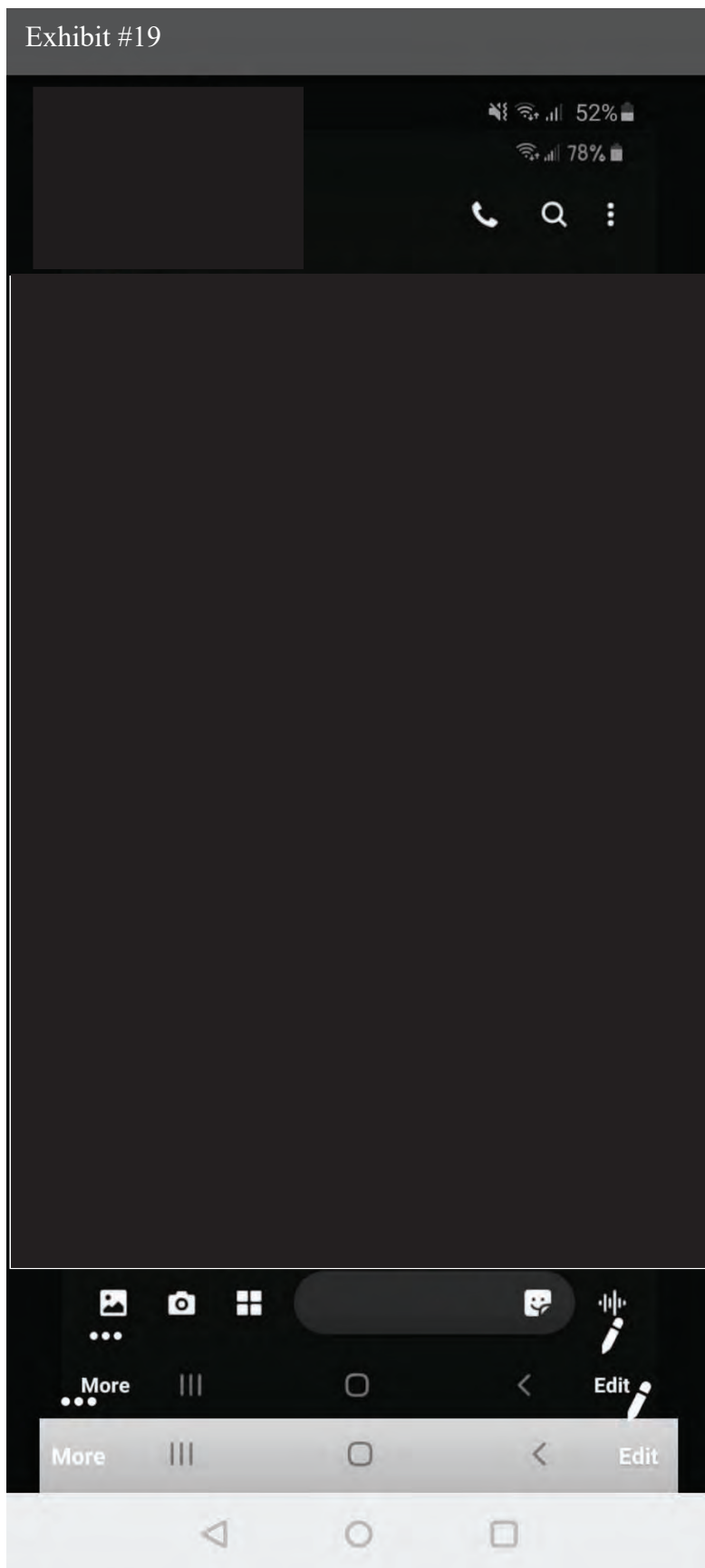






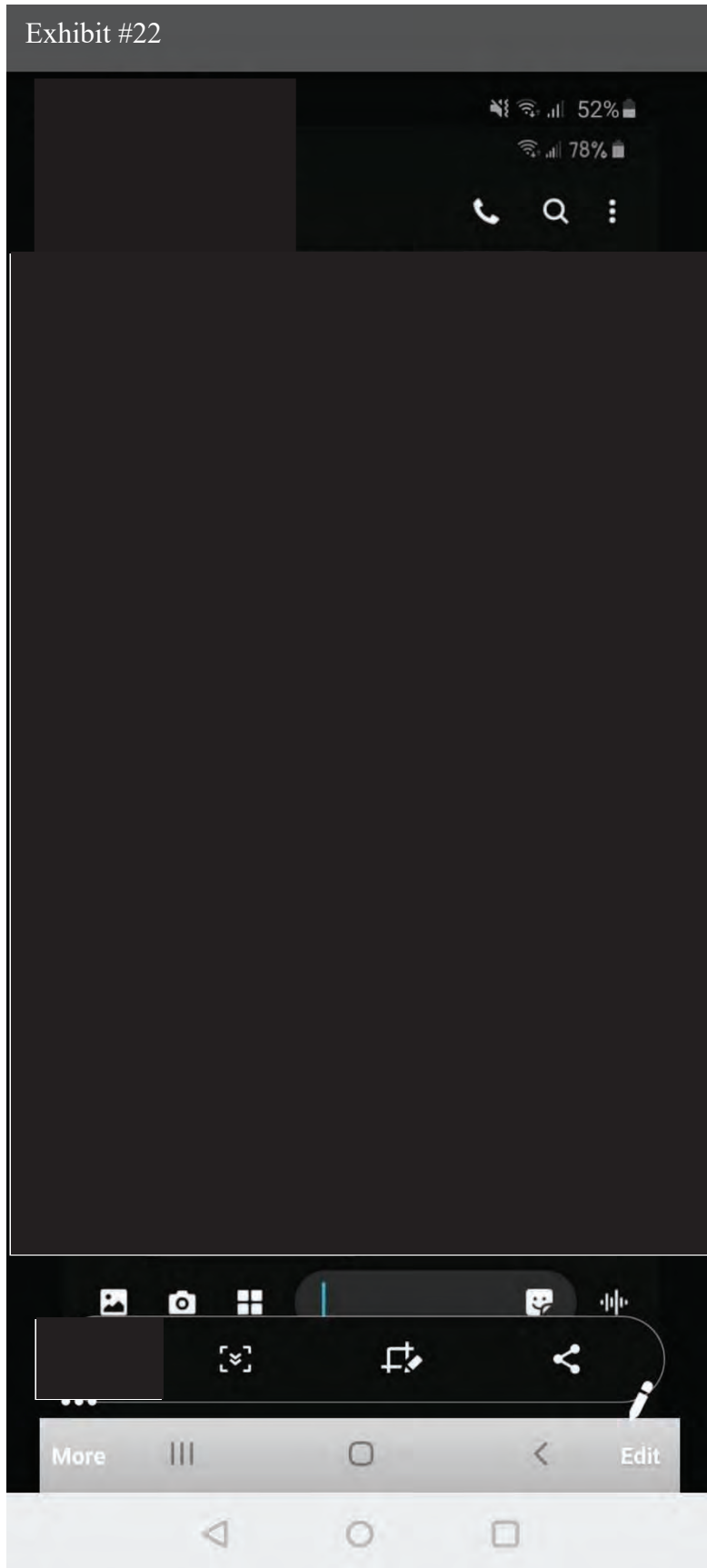


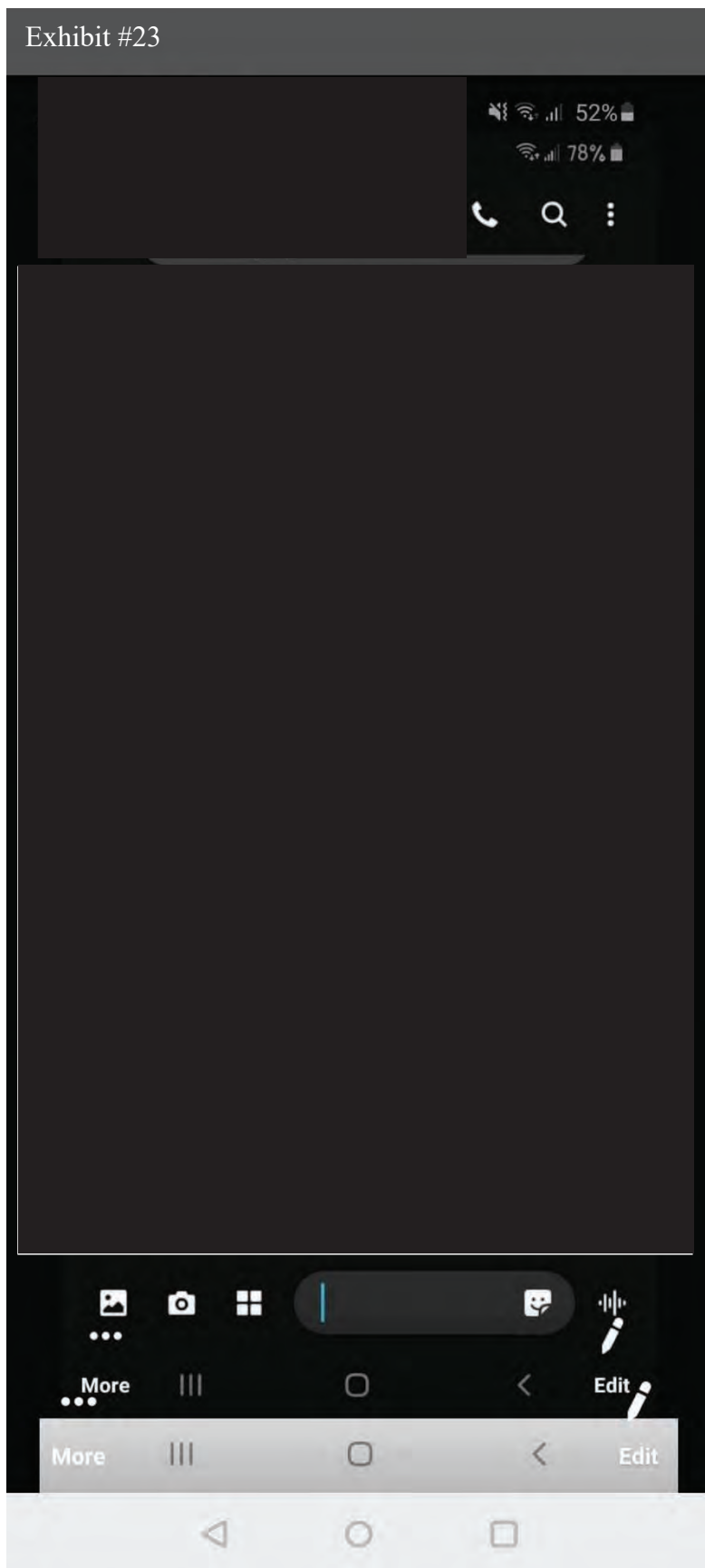












DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT COMPLAINT

CASE NO. 1:20MJ65LDA

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

USA vs.
 Defendant: Nicholas L. Scaglione

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

Interpreter Required Dialect: _____

Birth Date [REDACTED] 1989 Male Alien
 Female (if applicable)

Social Security Number [REDACTED]

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
FBI ~ Brendan Fogerty, Special Agent

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

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

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

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense RHODE ISLAND County

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

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
		Trial Days: 3 Days	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor