

CRIMINAL COMPLAINT

C&W No. 01-402

United States District Court		DISTRICT Eastern District of Pennsylvania	
UNITED STATES OF AMERICA v. ROBERT T. GIBSON		DOCKET NO.	
		MAGISTRATE'S CASE NO.	
Complaint for violation of Title 18, United States Code § 18 U.S.C. 876, 2332a(a)(2)			
NAME OF JUDGE OR MAGISTRATE		OFFICIAL TITLE	LOCATION
Honorable CAROL S. M. WELLS		US Magistrate Judge	Philadelphia, PA
DATE OF OFFENSE	PLACE OF OFFENSE	ADDRESS OF ACCUSED (if known)	
Threats	690 Lancaster Avenue Frazer, PA	REDACTED West Chester, PA 19380	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:			
<u>See</u> Attachment A and Affidavit of FBI Special Agent Jeffrey S. McCormick			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:			
SEE AFFIDAVIT ATTACHED HERETO.			
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:			
See Attached Affidavit			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title)	
		OFFICIAL TITLE Jeffrey S. McCormick Special Agent, Federal Bureau of Investigation	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE ⁽¹⁾			DATE
Honorable CAROL S.M. WELLS, US Magistrate Judge			October 23, 2001

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1) See Federal Rules of Criminal Procedure rules 3 and 54.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

WARRANT FOR ARREST

ROBERT T. GIBSON

CASE NUMBER: 01-

To: The United States Marshal and any Authorized
United States Officer

YOU ARE HEREBY COMMANDED to arrest ROBERT T. GIBSON

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Complaint Order of court Violation notice Probation violation petition
charging him or her with (brief description of offense)

See Attached Affidavit of Jeffrey S. McCormick, Special Agent, Federal Bureau of Investigation
and Attachment A

In violation of Title 18, United States Code, Section(s) 876; and 2332a(a)(3).

Honorable CAROL S.M. WELLS

United States Magistrate Judge

Name of Issuing Officer

Title of Issuing Officer

Tuesday, October 23, 2001

Signature of Issuing Officer

Date and Location

Bail fixed at \$ _____ by _____
Name of Judicial Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER Jeffrey S. McCormick Special Agent, Federal Bureau of Investigation	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

AFFIDAVIT

I, JEFFREY S. McCORMICK, duly sworn according to law, state the following allegations in support of this affidavit in support of an application to obtain a complaint and warrant to arrest ROBERT T. GIBSON :

1. I am a special agent with the Federal Bureau of Investigation (FBI) and have been so employed for more than two years. I am currently assigned to the FBI's resident agency office in Newtown Square, Pennsylvania . Prior to my current employment, I was a police officer for more than seven years in the State of Georgia.

2. This affidavit is based on my investigation and the evidence provided to me by other federal and state law enforcement officials who have participated in this investigation. Based on the following, I submit that there is probable cause to issue a complaint and warrant to arrest ROBERT T. GIBSON for committing the following criminal violations: two counts of mailing threatening communications, in violation of 18 U.S.C. § 876; and two counts of threatening to use a weapon of mass destruction, in violation of 18 U.S.C. § 2332a(a)(2).

Background

3. Since in or about September, 2001, there have been a number of persons infected with anthrax, which has caused infection and death to a number of individuals in a number of States in the United States. The anthrax has been delivered or appears to have been delivered through the mails. From in or about September 2001, to the present, in the Eastern District of Pennsylvania and elsewhere, numerous letters have been mailed through the United States Postal Service that have contained threats that the letter contains anthrax or powder that appears to be

anthrax. In fact, many of these letters have proven not to contain anthrax but are hoaxes intended to frighten or terrorize the recipients of the letters.

4. Home Depot is a national chain of stores located in the Eastern District of Pennsylvania and elsewhere. These stores sell hardware, home furnishings, paint, and other items to the public.

The October 18, 2001 Letter

5. On or about October 18, 2001:

a. A letter addressed to "auditor" at the Home Depot located at 690 Lancaster

Avenue in Frazer, Pennsylvania (PA), was delivered by the United States Postal Service to that Home Depot store ("the October 18, 2001 letter"). The letter was postmarked October 17, 2001 with a return address of "Paxon Hollow & Palmers Mill Rds" in Media, PA 19063. A female employee at Home Depot, who is an office clerk, opened up the letter releasing a white powdery substance onto her hand and lap. The female employee immediately ran into an assistant manager's office and handed him the envelope. The supervisor squeezed the envelope releasing the white powdery contents of the envelope into the air which got onto the supervisor's face and into his eyes.

b. A 911 call was made resulting in the response of the East Whiteland Township police department, fire department, and ambulance department, the Malvern ambulance department, the Paoli Memorial Hospital paramedics, Chester County Health Department, and the Chester County Haz-Mat unit, to the Frazier Home Depot. At least five police officers, 25 firemen, ambulance, rescue personnel, and two specialized Haz-Mat personnel and six pieces of

equipment were part of the response team.

c. The Home Depot female clerk and the supervisor were decontaminated in the Home Depot parking lot and then transported to the Paoli Memorial Hospital. In addition, 35 Home Depot customers were detained for approximately two hours before confirmation could be obtained that the substance did not enter the store ventilation system and expose the customers and store employees to possible contamination.

d. The Chester County Haz-Mat specialists entered the Home Depot store and recovered the suspect letter. Based on powder contaminating two rooms inside the store, these rooms were sealed off. One of the rooms was the computer room, which caused an interruption of service for six days.

e. At the direction of the FBI, the suspect envelope was subsequently transported by East Whiteland Township Detective Sergeant Jay M. Hess, Jr. to the Pennsylvania State laboratory in Lionsville, PA for analysis.

6. As a result of this incident, the Home Depot in Frazer, PA has been closed since October 18, 2001 and has suffered losses in excess of \$1,000,000.

7. Inside the October 18, 2001 envelope was one sheet of three holed paper from a spiral notebook with the word "ANTHRAX! ANTHRAX! ANTHRAX!"

8. On October 23, 2001, Detective Sergeant Hess learned from the state laboratory that the white powdery substance contained inside the letter delivered to the Home Depot on October 18, 2001 tested negative for B. anthracis.

The October 22, 2001 Letter

9. On or about October 22, 2001, a letter addressed to the "Loss Prevention Manager" at the Home Depot located at 965 E. Lancaster Avenue, Downingtown, PA 19335, 2001, with a return address of 301 Jefferis Road, Downingtown, PA 19335, (hereafter "the October 22, 2001 letter"), was found in that Downingtown Home Depot store. This letter, which was postmarked on October 17, 2001, had been mailed through the United States Postal Service but due to personnel not working over the weekend was not opened until October 22, 2001.

10. At approximately 8:30 a.m., the Home Depot manager recognized that the writing on the October 22, 2001 letter contained handwriting that was consistent with numerous other harassing letters that had been mailed to the Home Depot. The manager initially took the letter, secured in a plastic bag, to the East Whiteland Township Police Department. After being told to go to the Downingtown Borough Police Department, the manager stopped at the Home Depot in Frazer, PA, where another employee handled the envelope. As a result, white powder was released from the envelope. The manager then drove with the letter to the Downingtown Borough Police Department, where the letter was secured inside the manager's vehicle parked in the police department parking lot. The Chester County Haz-Mat personnel were then summoned and responded to the police department. The Haz-Mat personnel then secured the letter for subsequent transportation to the Pennsylvania Police laboratory for analysis.

11. On October 23, 2001, the October 22, 2001 letter was transported by Detective Sergeant Hess to the Pennsylvania State laboratory in Lionsville, PA. No results have been received to date determining whether the substance inside this letter contained anthrax or other

biological agents.

The Investigation

12. Based on interviews with store managers and employees at the Home Depot stores located in Frazer and Downingtown, PA, I have obtained the following information:

a. From November 28, 1999, to May 26, 2000, ROBERT T. GIBSON was employed at the Home Depot in Frazer, PA as a sales associate. On May 26, 2000, he was discharged for poor job performance.

b. During his employment, GIBSON kept to himself and on occasion exhibited bizarre behavior. He was referred to by certain employees as "the unabomber" based on his behavior and always carrying a knapsack.

c. A department manager at the Home Depot stated that he was familiar with GIBSON's hand writing based on seeing his writing during his employment. He also stated that GIBSON appeared to have three things in his life: his job, his mom, and his cat, which were the only things GIBSON would discuss.

d. Beginning on or about the summer of 2000, employees at the Home Depot in Frazer began receiving letters from an anonymous author including notes that contained harassing and annoying material. Shortly thereafter, similar letters were received by employees at the Downingtown Home Depot store. Although most of the letters sent to the Home Depot stores have been discarded, one letter postmarked September 17, 2001 was obtained from a department manager at the Frazer Home Depot Store, which has been turned over to the Detective Sergeant Hess (hereafter "the September 17, 2001 letter"). The manager stated that he

recognized that the handwriting appeared to be that of ROBERT T. GIBSON.

e. Detective Sergeant Hess and I compared the September 17, 2001, the October 18, 2001 letter, the October 22, 2001 letter, and the IRS W-4 "Employee's Withholding Allowance Certificate" executed by ROBERT T. GIBSON on November 28, 1999, and have concluded that the hand writing on each of the documents appears to be the same. Specifically, the slant on the writing and certain letters on each of the documents appeared to be the same.

f. According to the Frazer Home Depot assistant manager, who handled the October 18, 2001 letter, he was present when GIBSON was discharged in May of 2000 and heard GIBSON say upon his departure from the store that the Home Depot "will get a payback" for discharging him. On October 18, 2001, the assistant manager observed the October 18, 2001 letter and envelope and recognized the handwriting on these documents as that of ROBERT T. GIBSON.

13. Postal Inspector Donald M. Consenza, Jr. has determined the following about the return addresses on the September 17, 2001 letter, the October 18, 2001 letter, and the October 22, 2001 letter:

a. The return address on the September 17, 2001 letter, 1212 Phoenixville Pike, West Chester, PA 19380, is the Chester County SPCA.

b. The return address on the October 18, 2001 letter is Paxon Hollow & Palmers Mill Rds in Media, PA 19063. This address is not a delivery point where mail is delivered. However, at 905 Palmers Mill Road in Media, PA, which is very close to the intersection described in the return address, is Ups and Downs Dog Training.

c. The return address on the October 22, 2001 letter is 301 Jefferis Road, Downingtown, PA 19335 which is an animal kennel.

14. The September 17, 2001 letter and the October 18, 2001 letter also appear to be similar: (1) each envelope contains a lined piece of notebook paper of which the left border appears to be torn from a perforated edge; (2) each notebook page contains the standard holes to put into a binder as well as a unique additional smaller hole in the upper left hand corner; (3) the envelopes on these letters also appear the same because they each have a unique blue pattern on the inside of the envelope. In addition, the stamps on the September 17, 2001 letter and the October 22, 2001 letter contain a flower pattern.

15. Upon a review of Pennsylvania Department of Motor Vehicle Records, ROBERT T. GIBSON listed his address as [REDACTED], West Chester, PA 19380. In addition, ROBERT T. GIBSON's Home Depot employment application also lists this address as his residence. Postal Service records indicate that the last name GIBSON currently receives mail at this address. There are no current forwarding orders.

The October 23, 2001 Search Warrant

16. Based upon the information above, on October 23, 2001, a federal search warrant issued by Hon. Carol Sandra Moore Wells, United States Magistrate Judge, was executed at [REDACTED], West Chester, PA 19380, the residence of ROBERT T. GIBSON.

During the search, involving federal and state law enforcement officials, agents recovered a spiral notebook containing three hole paper and a unique additional smaller hole on which were the impressions of the note contained within the October 18, 2001 letter with the words "ANTHRAX! ANTHRAX! ANTHRAX!" In addition, agents recovered a box containing the

same type of envelopes with the blue pattern as delivered to the Home Depot stores and a strip of stamps with the flowered pattern on it.

17. I advised ROBERT T. GIBSON of his Miranda rights and he waived his rights. He admitted that he wrote the October 18, 2001 and October 22, 2001 letters to the Frazer and Downingtown Home Depot stores and that he had placed baby powder in each of the letters. He further stated that the reasons that he sent the letters was the way to vent his anger at the way he was treated when he was employed at the Frazer Home Depot. He also stated that he sent the October 22, 2001 letter to the Downingtown store because he believed that some of the employees from the Frazer Home Depot store also worked at the Downingtown store.

Conclusion

18. Based on the foregoing, I submit there is probable cause to issue a complaint and warrant to arrest ROBERT T. GIBSON for committing the following criminal violations:

- (1) two counts of mailing threatening communications, in violation of 18 U.S.C. § 876; and
- (2) two counts of threatening to use a weapon of mass destruction, in violation of 18 U.S.C. § 2332a(a)(2).

JEFFREY S. McCORMICK
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me this

_____ day of October, 2001

HONORABLE CAROL SANDRA MOORE WELLS
United States Magistrate Judge